

CHAP. CCXLV.—*An Act to regulate the Sessions of the Circuit and District Courts for the Northern District of New York, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times now fixed by law for holding district courts of the United States for the northern district of New York, the said court shall hereafter be held at the following times and places, that is to say, at the city of Albany on the third Tuesday of January; at the city of Utica on the third Tuesday in March; at the city of Rochester on the second Tuesday in May; at the city of Buffalo on the third Tuesday in August; at the city of Auburn on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and in such place, within the counties of St. Lawrence, Clinton, Jefferson, Oswego, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least twenty days, to be published in the state paper of the State of New York, and also in one newspaper published at the place where the said court is to be held, which term shall be held only for the trial of issues of fact arising within the said counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, he shall deem necessary.

SEC. 2. *And be it further enacted,* That instead of the times and places now provided by law for holding the terms of the circuit court of the United States for the northern district of New York, the said circuit court shall be held at the times and places following, that is to say: at the village of Canandaigua on the third Tuesday in June, at the city of Albany on the second Tuesday in October; and the term of said court appointed by this act to be held at the city of Albany in October shall, when it is adjourned, be adjourned to meet in the city of Albany the third Tuesday in January, and that the adjournment of said adjourned term shall be further adjourned to meet at the city of Utica on the third Tuesday in March, and the said adjourned term shall be held for the transaction of civil business only; and no jury shall be drawn for service therein exclusively, but the jury drawn to serve in the district court at the same time and place of the said adjourned terms of said circuit shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury and all proceedings upon the trial of said issues shall be as valid and of the same effect as if the said jury had been drawn to serve in the said circuit court.

SEC. 3. *And be it further enacted,* That no process issued or proceedings pending in either of said courts shall be avoided or impaired by the change of time and place of holding such court; but all process, bail bonds, and recognizances returnable at the next term of either of said courts, shall be returnable and returned to the said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.

SEC. 4. *And be it further enacted,* That in place and in lieu of the salary now paid to the judge of the district court of the United States for the northern district of New York, there shall be allowed and paid quarterly to said judge, out of the treasury of the United States, the sum of three thousand five hundred dollars per year.

APPROVED, July 4, 1864.

CHAP. CCXLVI.—*An Act to encourage Immigration.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the

VOL. XIII. PUB.—33

Commissioner of immigration to be appointed.

Term of office and salary.

Clerks.

Contracts by emigrants pledging their wages to repay expenses of emigration valid, and may be enforced.

Advances may, if, &c., be a lien upon land after acquired by the emigrant.

No emigrant to be enrolled for military service, unless, &c.

Emigrant office to be established in New York.

Superintendent of immigration. Salary. Clerk.

Powers and duties of superintendent.

Certain persons not to be officers under this act.

United States is hereby authorized, by and with the advice and consent of the Senate, to appoint a commissioner of immigration, who shall be subject to the direction of the Department of State, shall hold his office for four years, and shall receive a salary at the rate of two thousand five hundred dollars a year. The said commissioner may employ not more than three clerks, of such grade as the Secretary of State shall designate, to be appointed by him, with the approval of the Secretary of State, and to hold their offices at his pleasure.

SEC. 2. And be it further enacted, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several states and territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

SEC. 3. And be it further enacted, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under oath his allegiance to the country of his birth, and declare his intention to become a citizen of the United States.

SEC. 4. And be it further enacted, That there shall be established in the city of New York an office to be known as the United States Emigrant Office; and there shall be appointed, by and with the advice and consent of the Senate, an officer for said city, to be known as superintendent of immigration, at an annual salary of two thousand dollars; and the said superintendent may employ a clerk of the first class; and such superintendent shall, under the direction of the commissioner of immigration, make contracts with the different railroads and transportation companies of the United States for transportation tickets, to be furnished to such immigrants, and to be paid for by them, and shall, under such rules as may be prescribed by the commissioner of immigration, protect such immigrants from imposition and fraud, and shall furnish them such information and facilities as will enable them to proceed in the cheapest and most expeditious manner to the place of their destination. And such superintendent of immigration shall perform such other duties as may be prescribed by the commissioner of immigration: *Provided*, That the duties hereby imposed upon the superintendent in the city of New York shall not be held to effect the powers and duties of the commissioner of immigration of the State of New York; and it shall be the duty of said superintendent in the city of New York to see that the provisions of the act commonly known as the passenger act are strictly complied with, and all breaches thereof punished according to law.

SEC. 5. And be it further enacted, That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its territories, or to any part thereof, or who shall receive any fee or reward, or the promise thereof, for any service performed, or any benefit rendered, to any person or persons in the line of his duty under this act. And if any officer provided for by this act shall receive from any person or company any fee or reward, or promise thereof,

for any services performed or any benefit rendered to any person or persons in the line of his duty under this act, he shall, upon conviction, be fined one thousand dollars, or be imprisoned, not to exceed three years, at the discretion of a court of competent jurisdiction, and forever after be ineligible to hold any office of honor, trust, or profit in the United States.

Penalty on
officer receiving
any fee, &c., for
official services.

SEC. 7. *And be it further enacted*, That said commissioner of immigration shall, at the commencement of each annual meeting of congress, submit a detailed report of the foreign immigration during the preceding year, and a detailed account of all expenditures under this act.

Report to con-
gress, &c.

SEC. 8. *And be it further enacted*, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, in the judgment of the President, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Appropriation
to carry act into
effect.

APPROVED, July 4, 1864.

CHAP. CCXLVII.—*An Act supplementary to an Act entitled “An Act to grant Pensions,” approved July fourteenth, eighteen hundred and sixty-two.*

July 4, 1864.

1862, ch. 166.

Vol. xii. p. 566.

Biennial ex-
aminations of
pensioners, how
may be made.

1859, ch. 88, § 2.
Vol. xi. p. 439.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the commissioner of pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

SEC. 2. *And be it further enacted*, That all fees paid to examining surgeons for biennial examinations, or for examinations specially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the commissioner of pensions may prescribe.

Fees paid
surgeons for
biennial exam-
inations to be re-
funded.

1862, ch. 166, § 8.

Vol. xi. p. 565.

SEC. 3. *And be it further enacted*, That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the commissioner of pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

Declarations of
pension claimants
to be made before
court of record.

Proviso.

SEC. 4. *And be it further enacted*, That section twelve of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, is hereby repealed; and the commissioner of pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the pension-office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

Section 12 of
act of 1862, ch.
166, repealed.
Vol. xii. p. 569.

Clerks to in-
vestigate sus-
pected attempts
to defraud.

SEC. 5. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who under the same conditions have lost both hands or both eyes shall be entitled to a pension of twenty-five dollars per month.

Pensions to
those who have
lost both feet;
both hands or
eyes.

SEC. 6. *And be it further enacted*, That no pension claim now on file,