Superintendent of public printing to see that paper delivered conforms to contract.

SEC. 5. *And be it further enacted*, That it shall be the duty of the superintendent of public printing to compare every lot of paper delivered by any contractor with the standard of quality, and also to see that it is of the weight contracted for, and to refuse to accept any paper from any contractor which does not conform to the standard of quality and is not of the stipulated weight. And in case of difference of opinion between the superintendent of public printing and any contractor for paper with respect to its quality, the matter of difference shall be determined by the joint committee on printing: *Provided*, That in default of any contractor to comply with his contract in furnishing the paper contracted for, in the proper time, and of proper quality and weight, it shall be the duty of the superintendent of public printing to report the same to the joint committee on printing if Congress is in session, or to the Secretary of the Interior if during a recess of Congress, and he shall, under the direction of the joint committee on printing or of the Secretary of the Interior, as the case may be, enter into a new contract with the lowest and best bidder for the interest of the government, amongst those whose proposals were rejected at the last opening of bids, or advertise for new proposals, under the regulations before established; and during the interval which may thus be created, he shall, under the direction of the joint committee on printing or of the Secretary of the Interior, as above provided, purchase in open market, at the lowest market price, all such paper necessary for the public service. For any increase of cost to the government in procuring a supply of paper for the use of the government, the contractor or contractors in default and his or their securities shall be charged with and held responsible for the same, and shall be prosecuted upon their bond by the solicitor of the treasury, in the name of the United States, in the circuit court of the United States in the district in which the defaulting contractor resides; and to enable the solicitor to do so, it shall be the duty of the superintendent of public printing to report to him the default on its happening, with a full statement of all the facts in the case: *And provided further*, That the joint committee on public printing, or, during the recess of Congress, the Secretary of the Interior, be authorized to empower the superintendent of public printing to make purchases of paper, in open market, at the lowest market price, whenever in their opinion the quantity required is so small, or the want is so immediate, as not to justify advertisement for and award of contract therefor.

Committee to determine differences with contractor.

If contractor is in default, superintendent to report to committee or secretary, and make a new contract;

meanwhile to purchase in open market.

Defaulting contractors to be charged with any increase of price.

Suits on bonds.

Paper may be purchased in open market where quantity required is small, or the want immediate.

SEC. 6. *And be it further enacted*, That all laws or parts of laws, joint resolutions, or parts of resolutions, conflicting with the above provisions, be and they are hereby repealed; nor shall the superintendent of public printing print any greater number of the reports herein named, unless otherwise directed by either house of Congress.

Conflicting provisions of law repealed.

Superintendent not to print greater number of copies unless, &c.

APPROVED, July 27, 1866.

July 27, 1866.

[Amended. See 1867, ch. 196. *Post*, p. 558.]

CHAP. CCLXXXVIII. — *An Act for the Removal of Causes in certain Cases from State Courts.*

Suits where the matter in dispute exceeds $500 in State courts against aliens, or by citizens of the State where brought, against any citizen of said State and a citizen of another State, if the suits are, &c. may be

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if in any suit already commenced, or that may hereafter be commenced, in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the sum of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court, a citizen of the State in which the suit is brought is or shall be a defendant, and if the suit so far as relates to the alien defendant or to the defendant who is the citizen of a State other than that in which the suit is brought, is or has been instituted or prosecuted for the purpose of restraining or enjoining him, or if the suit is one

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

in which there can be a final determination of the controversy, so far as it concerns him, without the presence of the other defendants as parties in the cause, then and in every such case the alien defendant, or the defendant who is a citizen of a State other than that in which the suit is brought, may, at any time before the trial or final hearing of the cause, file a petition for the removal of the cause as against him into the next circuit court of the United States to be held in the district where the suit is pending, and offer good and *and* sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in said cause affecting or concerning him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein; and it shall be thereupon the duty of the State court to accept the surety and proceed no further in the cause as against the defendant so applying for its removal; and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process against the defendant who shall have so filed a petition for its removal as above provided. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered by the court in which the suit commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause shall be removed; and any bond of indemnity or other obligation given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner and with the same force and effect as if such injunction, attachment, or restraining process had been granted, and such bond had been originally filed or given in the court to which the cause is removed. And such removal of the cause, as against the defendant petitioning therefor, into the United States court, shall not be deemed to prejudice or take away the right of the plaintiff to proceed at the same time with the suit in the State court as against the other defendants, if he shall desire to do so. And the copies of all pleadings filed or entered as aforesaid in the United States court by the defendant applying for the removal of the cause, shall have the same force and effect in every respect and for every purpose as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

Removed by the alien defendant, or by the defendant who is a citizen of such other State, to the circuit court of the United States.

Proceedings for removal.

State court to proceed no further against such defendants.

Attachments.

Injunctions.

Bond of indemnity, &c.

Plaintiff may proceed in State court against other defendants.

Copies of pleadings to have same effect as originals.

APPROVED, July 27, 1866.

CHAP. CCLXXXIX. — *An Act authorizing the Reimbursement to the Territory of Nebraska of certain Expenses incurred in repelling Indian Hostilit[i]es.*

July 27, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, instructed to examine, adjust, and allow the expenditures and liabilities of the Territory of Nebraska, made and incurred in the year eighteen hundred and sixty-four, for the pay, equipment, and maintenance of territorial troops in the suppression of Indian hostilities and protection of the lives and property of citizens of the United States exposed to the attacks of the confederated tribes; and the amount so al-

Claims of Nebraska for expenses in suppression of Indian hostilities to be examined, allowed, and paid.