AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

CHAPTER TWENTY.

THE COURT OF CLAIMS.

ORGANIZATION AND SESSIONS.

Sec.
1049. Judges.
1050. Seal.
1051. Court-rooms, &c., how provided.
1052. Sessions, quorum.
1053. Officers of the court.
1054. Salaries of clerks, bailiff, and messenger.
1055. Clerk's bond.
1056. Contingent fund.
1057. Reports to Congress, copies for Departments, &c.
1058. Members of Congress not to practice in the court.

Judges.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.
3 Mar., 1863, c. 92, s. 1, v. 12, p. 765.
8 May, 1872, c. 140, s. 13, v. 17, p. 85.

SEC. 1049. The Court of Claims, established by the act of February twenty-four, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office, and shall be entitled to receive an annual salary of four thousand five hundred dollars, payable quarterly from the Treasury.

Seal.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 766.

SEC. 1050. The Court of Claims shall have a seal, with such device as it may order.

Court-rooms, &c., how provided.

24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.

SEC. 1051. It shall be the duty of the Speaker of the House of Representatives to appropriate such rooms in the Capitol, at Washington, for the use of the Court of Claims, as may be necessary for their accommodation, unless it appears to him that such rooms cannot be so appropriated without interfering with the business of Congress. In that case, the court shall procure, at the city of Washington, such rooms as may be necessary for the transaction of their business.

Sessions, quorum.

24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.
6 Aug., 1856, c. 81, s. 1, v. 11, p. 30.
17 Mar., 1866, c. 19, s. 2, v. 14, p. 9.

SEC. 1052. The Court of Claims shall hold one annual session, at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court. And any two of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business.

3 Mar., 1863, c. 92, s. 13, v. 12, p. 768.

Officers of the court.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.
3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

SEC. 1053. The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or, if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Salaries of clerks, bailiff, and messenger.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614. 3 March, 1863, c. 92, s. 4, v. 12, p. 765. 7 June, 1870, c. 124, v. 16, p. 148. 12 July, 1870, c. 251, s. 3, v. 16, p. 250. 8 May, 1872, c. 140, s. 1, v. 17, p. 82.

SEC. 1054. The salary of the chief clerk shall be three thousand dollars a year, of the assistant clerk two thousand dollars a year, of the bailiff fifteen hundred dollars a year, and of the messenger eight hundred and forty dollars a year, payable quarterly from the Treasury.

Clerk's bond.

6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1055. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

Contingent fund.

6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1056. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper

accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

Reports to Congress, copies for Departments, &c.

SEC. 1057. On the first day of every December session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. And at the end of every term of the court he shall transmit a copy of its decisions to the heads of Departments; to the Solicitor, the Comptrollers, and the Auditors of the Treasury; to the Commissioners of the General Land-Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.

25 June, 1868, c. 71, s. 9, v. 15, p. 77.
17 March, 1866, c 19, s. 3, v. 14, p. 9.

Members of Congress not to practice in the court.

SEC. 1058. Members of either House of Congress shall not practice in the Court of Claims.

3 March, 1863, c. 92, s. 4, v. 12, p. 765.

CHAPTER TWENTY-ONE.

THE COURT OF CLAIMS.

JURISDICTION, POWERS, AND PROCEDURE.

Sec.
1059. Jurisdiction.
1060. Private claims in Congress, when transmitted to Court of Claims.
1061. Judgment for set-off or counter-claim, how enforced.
1062. Decree on account of paymasters, &c.
1063. Claims referred by Departments.
1064. Procedure in cases transmitted by Departments.
1065. Judgments in cases transmitted by Departments, how paid.
1066. Claims growing out of treaties not cognizable therein.
1067. Claims pending in other courts not to be prosecuted in Court of Claims.
1068. Aliens.
1069. Limitation.
1070. Rules of practice; contempts.
1071. Oaths and acknowledgments.
1072. Petition.
1073. Petition dismissed if issue found against claimant as to allegiance, &c.
1074. Burden of proof and evidence as to loyalty.

Sec.
1075. Commissioner to take testimony.
1076. Power to call upon Departments for information.
1077. When testimony not to be taken.
1078. Witnesses not excluded on account of color.
1079. Parties and persons interested excluded as witnesses.
1080. Examination of claimant.
1081. Testimony taken where deponent resides.
1082. Witnesses, how compelled to attend before commissioners.
1083. Cross-examination.
1084. Witnesses, how sworn.
1085. Fees of commissioner, by whom paid.
1086. Claims forfeited for fraud.
1087. New trial on motion of claimant.
1088. New trial on motion of United States.
1089. Payment of judgments.
1090. Interest.
1091. Interest on claims.
1092. Payment of judgment a full discharge, &c.
1093. Final judgments a bar.

Jurisdiction.

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

Claims founded on statutes or contracts, or referred by Congress.

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.—Nichols *vs.* U. S., 7 Wall., 129; Dorsheimer *vs.* U. S., 7 Wall., 166; Bonner *vs.* U. S., 9 Wall., 156.

Set-offs and counter-claims of United States.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

3 March, 1863, c. 92, s. 3, v. 12, p. 765.—Clyde *vs.* U. S., 13 Wall., 38; U. S. *vs.* Russell, 13 Wall., 623.