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Certain disbursements to be made under the Secretary of State.

the business of his office, and depositing the records, documents, and all other papers of the court or its officers in the office of the Secretary of State, as provided in said act and the act therein referred to; and all disbursements made by said clerk during this additional period shall be under the direction of the Secretary of State.

Claims.

First class.

List of judgments to be reported to Secretary of State; also to Secretary of Treasury.

Payments to be made out of unexpended balance of Geneva award.

SEC. 3. That the Court of Commissioners of Alabama Claims shall proceed with all convenient dispatch to the final adjudication of all claims of the first class as designated in the fifth section of the aforesaid act approved June fifth, eighteen hundred and eighty-two; and as soon as the said court shall be satisfied that the aggregate of all the judgments of the first class, with interest added at four per centum from the time the loss occurred to the thirty-first of March, eighteen hundred and seventy-seven, will not exceed the unappropriated amount of the Geneva award remaining in the Treasury after the deduction of all lawful expenses, the said court shall report a list of the several judgments of the first class then rendered, to the Secretary of State, who shall thereupon transmit the same, or a copy thereof, to the Secretary of the Treasury; and the Secretary of the Treasury shall, out of the unexpended balance of said award, without unnecessary delay, proceed to pay the said judgments of the first class so reported and transmitted, with interest as aforesaid, upon such notice and in such manner as he shall prescribe. And the said court shall from time to time thereafter report such other judgments of the first class, if any, as may be rendered, to the Secretary of State, to be by him transmitted to the Secretary of the Treasury, and paid in the same manner and upon like notice as hereinbefore provided, until the whole of said judgments of the first class shall be paid. And so much money as may be necessary to pay said judgments of the first class, with interest thereon as aforesaid, is hereby appropriated out of any moneys in the Treasury received from said award not otherwise appropriated.

Appropriation.

Approved, June 3, 1884.

June 3, 1884.

CHAP. 63.—An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

16 Stat., 385.

Officers to be considered of the grade named therein from date commissioned whether receiving commission or not.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution approved July eleventh, eighteen hundred and seventy, entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army," approved July twenty-sixth, eighteen hundred and sixty-six, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at such date: *Provided*, That at the date of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when their com-

Proviso.

Prisoners of war, etc., in case of vacancy in grade to which commissioned entitled to pay, etc.

Proviso; to apply to cases where commission is prior to June 20, 1863, etc.

mands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act. *Proviso*

SEC. 2. That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law, for the grade into which such officer is mustered under the provisions of this act. Heirs, etc., to receive arrears of pay and pension.

SEC. 3. That all claims arising under this act shall be presented to and filed in the proper Department within three years from and after the passage hereof, and all such claims not so presented and filed within said three years shall be forever barred, and no allowance ever made thereon. Claims barred after three years.

SEC. 4. That the pay and allowances of a rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed. Pay, etc., not to be recovered by reason of defect in title, etc., of appointment.

Approved, June 3, 1884.

CHAP. 64.—An act to amend sections four, five, and nine of an act approved February twenty-fourth eighteen hundred and seventy-nine, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts", and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes. June 3, 1884.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of An Act approved February twenty fourth, eighteen hundred and seventy-nine entitled "An Act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts" is hereby amended as follows. Texas. Judicial districts. 20 Stat., 318.

"SEC. 4. That the courts in the western judicial district shall be held twice in each year at Brownsville, San Antonio, the city of El Paso, and Austin. The courts shall be held at the city of Brownsville on the first Mondays in January and July; at San Antonio on the first Mondays in May and November; at the city of El Paso on the first Mondays in April and October; at Austin on the first Mondays in February and August" Terms of court; western judicial district.

SEC 2. That section five of said act be so amended that all process issued after this act shall take effect against defendants residing in the counties of El Paso, Pecos, Presidio, Tom Green, Crockett, Andrews, Gaines, Yoakum, Cockran, Bailey, Parmer, Castro, Lamb, Hockley, Terry, Dawson, Martin, Swisher, Hale, Lubbock, Lynn, Floyd, Crosby, Garza, Borden, Howard, Scurry, and Mitchell shall be returned to the city of El Paso. That civil actions or proceedings now pending in the court at San Antonio against parties residing in the counties of El Paso, Pecos, Presidio, Tom Green, and Crockett, and now pending in the court at Graham against parties residing in the counties of Andrews, Gaines, Yoakum Cockran, Bailey, Parmer, Castro, Lamb, Hockley, Terry, Dawson, Martin, Swisher, Hale, Lubbock, Lynn, Floyd, Crosby, Garza, Borden, Howard, Scurry, and Mitchell, as provided in the act to which this is amendatory, may, on the application of either party to such actions or proceedings, be transferred to the court at the city of El Paso; and in case of such transfer all papers and files therein, with copies of all journal entries, shall be transferred to the office of the deputy clerk of the court at the city of El Paso, and the same shall proceed in all respects as if originally commenced in said court. Return of process. Transfer of pending causes.