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proper to facilitate the execution of this act and secure the most speedy and least expensive attainment of the purpose hereof that is practicable.

Lands not redeemed in a year to be sold.

SEC. 4. That if, at the expirations of the time hereinbefore allowed for redemption, there shall remain any of said lands unredeemed it shall then be the duty of the said Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury to proceed to sell at public auction as soon as may be consistent with the public interests, the lands not redeemed and restored and to release and convey the same to the purchasers in the manner aforesaid.

Disposition of proceeds.

SEC. 5. That all money derived from the redemption and sale of the said school-farm-lands shall be invested in United States bonds, for the use and support of free public schools in the parishes of Saint Luke and Saint Helena, South Carolina under the provisions of section six, act of June eighth, eighteen hundred and seventy-two as amended by the act of March third, eighteen hundred and seventy-three.

Vol. 17, p. 600.

School-buildings, etc., exempt from redemption and sale.

SEC. 6. That wherever on said school farm there are buildings which have been erected by the State or United States for school purposes, and are now used for such purposes, said buildings, with two acres of land surrounding the same, shall be excepted from redemption or sale under the provisions of this act, and shall forever remain devoted to school purposes.

SEC. 7. That all acts and parts of acts inconsistent herewith are hereby repealed.

Approved, March 3, 1887.

Mar. 3, 1887.

CHAP. 373.—An act to amend the act of Congress approved March third, eighteen hundred and seventy-five, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes."

Removal of causes from State courts, etc.
Vol. 18, p. 470, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March third, eighteen hundred and seventy-five, be, and the same is hereby, amended so as to read as follows: "That the circuit courts of the United States shall have original

Circuit courts to have concurrent jurisdiction with State courts in suits of $2,000 value.

cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of two thousand dollars, and arising under the constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversary the United States are plaintiffs or petitioners, or in which there shall be a controversary between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversary between citizens of the same State, claiming lands under grants of different States, or a controversary between citizens of a State and foreign states, citizens, or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process of proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the

Under United States Constitution, laws, treaties.

Parties.

Restrictions.

residence of either the plaintiff or the defendent; nor shall any circuit or district court have cognizance of any suit except upon foreign bills of exchange, to recover the contents of any promissary note or other chose in action in favor of any assignee, or of any subsequent holder of such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover the said contents if no assignment or transfer had been made; and the circuit courts shall also have appellate jurisdiction from the district courts, under the regulations and restrictions prescribed by law."

Assignee to have no greater right than assignor.

"SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending, or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending, or which may hereafter be brought, in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein being non-residents of that State; and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. And where a suit is now pending, or may be hereafter brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendent, being such citizen of another State, may remove such suit into the circuit court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said circuit court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendent may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said circuit court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein.

Removal of causes, United States circuit court.

Jurisdiction.

Suits between citizens of different States.

Removal on plea of failure to obtain justice.

Proviso.

Where other defendants are not prejudiced to be proceeded in State courts.

"At any time before the trial of any suit which is now pending in any circuit court or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the circuit court shall, on application of the other party examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in such State court, it shall cause the same to be remanded thereto. "Whenever any cause shall be removed from any State court into any circuit court of the United States, and the circuit court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the circuit court so remanding such cause shall be allowed."

Circuit court may remand cause to State court if prejudice does not exist.

No appeal allowed.

That section three of said act be, and the same is hereby, amended so as to read as follows.

Vol. 18, p. 471.

SEC. 3. That whenever any party entitled to remove any suit mentioned in the next preceding section, except in such cases as are provided

Petition for removal.

for in the last clause of said section, may desire to remove such suit from a State court to the circuit court of the United States, he may make and file a petition in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner, as if it had been originally commenced in the said circuit court; and if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of two thousand dollars, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim.

Bond for costs, etc.

Proceedings in State court to stop.

Actions on land titles.

Receivers of property in suits pending in United States courts to follow laws of the State.

SEC. 2. That whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property such receiver or manager shall manage and operate such property according to the requirements of the valid laws of the State in which such property shall be situated in the same manner the owner or possessor thereof would be bound to do if in possession thereof. Any receiver or manager who shall willfully violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Punishment.

Receivers appointed by United States courts may be sued without leave of the court.

SEC. 3. That every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such receiver or manager was appointed, so far as the same shall be necessary to the ends of justice.

National banks deemed citizens for certain purposes, and subject to jurisdiction of State courts.

SEC. 4. That all national banking associations established under the laws of the United States shall, for the purposes of all actions by or against them, real, personal or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located; and in such cases the circuit and district courts shall not have jurisdiction

other than such as they would have in cases between individual citizens of the same State.

The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases commenced by the United States or by direction of any officer thereof, or cases for winding up the affairs of any such bank.

Civil rights jurisdiction not affected.

SEC. 5. That nothing in this act shall be held, deemed, or construed to repeal or affect any jurisdiction or right mentioned either in sections six hundred and forty-one, or in six hundred and forty-two, or in six hundred and forty-three, or in seven hundred and twenty-two, or in title twenty-four of the Revised Statutes of the United States, or mentioned in section eight of the act of Congress of which this act is an amendment, or in the act of Congress approved March first, eighteen hundred and seventy-five, entitled "An act to protect all citizens in their civil or legal rights."

R. S., secs. 641–643, pp. 115, 116; 722, p. 137. Title XXIV, pp. 347–349. Vol. 18, p. 472. Vol. 18, p. 336.

Inconsistent laws repealed.

SEC. 6. That the last paragraph of section five of the act of Congress, approved March third, eighteen hundred and seventy-five, entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," and section six hundred and forty of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed: *Provided*, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof except as otherwise expressly provided in this act.

Vol. 18, p. 472.

R. S., sec. 140, p. 115.

Proviso.

Pending suits not affected.

No relation of judge to be appointed as officer of his court.

SEC. 7. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall hereafter be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

Approved, March 3, 1887.

CHAP. 374.—An act to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected.

Mar. 3, 1885.

Vicksburg and Meridian Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to examine and adjust the account with the Vicksburg and Meridian, formerly the Southern Railroad Company of Mississippi, for internal-revenue tax, and to refund to the said company the amount found by him to have been collected from said company as tax on its bonded debt for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six; and a sufficient sum, not to exceed six thousand and twenty-five dollars and thirty-five cents, is hereby appropriated for that purpose, out of any money in the Treasury not otherwise appropriated.

Refund of tax to.

Approved, March 3, 1887.

CHAP. 375.—An act to authorize the sale of the United States Barracks property in the city of Newport, Kentucky, and the purchase of a new site and the erection of buildings thereon.

Mar. 3, 1885.

Newport Barracks, Kentucky. Secretary of War authorized to sell.

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, authorized and directed, to sell the property now owned by the United States in the city of Newport, State of Kentucky, known as the United States Barracks property, at public auction or private sale, as may be in his judgment most advantageous to the Government.