

a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction."

SEC. 11. That section twenty of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

"The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report."

Approved, May 27, 1908.

CHAP. 205.—An Act To amend an Act entitled "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fourteen of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive

Assignment of Army officers or enlisted men for duty with militia.
Vol. 32, p. 779, amended.

Revocation.

Board of five officers created.
Duties.

Term.

Traveling expenses, etc.

Charged against annual appropriation.

R. S., sec. 1661, p. 290.

List of expenses, etc.

May 27, 1908.
[H. R. 17506.]

[Public, No. 146.]

Collection of customs revenue.
Vol. 26, p. 137.
Board of General Appraisers.

Vol. 30, p. 151, amended.

Appeal from collector's decision as to dutiable charge, etc.

Time increased.
Vol. 26, p. 137,
amended.

Duties to be paid.

Decision of board of
general appraisers.

Proviso,
Rehearing.

Rules of practice.

Assignment of cases.

Review by circuit
court.
Vol. 26, p. 138,
amended.
Supra.

Time limit.

Statement of errors
to be filed.

Record, evidence,
etc., returned.

Duties of litigants.

Advancement, etc.

against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section fifteen of this Act: *Provided, however,* That the board of three general appraisers, or a majority of them, who decided the case may, upon motion of either party, within thirty days next after their decision, and not afterwards, grant a rehearing of said case when, in their opinion, the ends of justice may require it.

"The general board of nine general appraisers shall have power to establish from time to time such reasonable rules of practice, not inconsistent with the law, as may be deemed necessary for the conduct of their proceedings and of the proceedings of the said board of three general appraisers, and to assign or reassign any case to any of such boards of three at any time before promulgation of decision, in order to secure uniformity of decision."

SEC. 2. That section fifteen of said Act be, and the same is hereby, amended so as to read as follows:

"SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section fourteen of this Act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, if a rehearing has not been previously granted, or within thirty days next after the decision of the board of general appraisers after such rehearing, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent as the case may be. Thereupon the court shall order the board of general appraisers to return to said circuit court the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decision thereon; and all competent evidence taken by and before said board of general appraisers shall be evidence before said circuit court. The parties litigant shall hereafter be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. The return made by the board of general

appraisers in pursuance of the order of the circuit court shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the classification of such merchandise and the rate of duty imposed thereon under such classification: *Provided*, That the said circuit court is further vested with the power to remand any case pending before it on appeal from a decision of the board of general appraisers when, in its opinion, such proceeding is just and proper, but this shall not be ordered except upon motion duly made and after notice to the opposite party. When such order is made the case shall then be remanded to the board of general appraisers whose decision has been appealed from, and the said board shall hear such further testimony as shall be introduced by either party, and shall return to the circuit court the additional evidence so taken, together with a further certified statement of facts as supplemented or modified by such additional testimony, and their decisions upon the whole case as thus supplemented or modified, which said additional return shall be added to and become part of the record upon which the case shall be heard and determined by the circuit court.

Proviso.
Power to remand on appeal, etc.

Additional evidence, etc.

"The decision of such circuit court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless such court shall be of the opinion that the question involved is of such importance as to require a review of such decision by the circuit court of appeals of the United States within the circuit in which the matter arises, in which case said circuit court or the judge making the decision may, within thirty days thereafter, allow an appeal to said circuit court of appeals; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision. On such original application and on any such appeal security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said circuit court of appeals shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

Review by circuit court of appeals.

Advancement, etc.

"The decision of such circuit court of appeals may be reviewed by the Supreme Court of the United States in any of the ways provided in cases arising under the revenue laws by the Act approved March third, eighteen hundred and ninety-one, entitled 'An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.'

Review by Supreme Court.

Vol. 26, p. 827.

"All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section twenty-four of this Act.

Payment of final judgments.
Vol. 26, p. 140.

"For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

Regulations, etc.

"Where cases arise at ports within any jurisdiction having no circuit court, applications for review of the decisions of the board of general appraisers provided for in section fifteen of this Act shall be filed with the clerks of the courts having cognizance of the same classes of cases as circuit courts, and such cases shall be heard and determined by such courts, with the same powers and in like manner as herein provided for the hearing and determination of such cases in circuit courts, and such decisions shall be subject to review in the manner provided by law."

Review of decisions of board at ports not in jurisdiction of circuit courts.
Ante, p. 404.

SEC. 3. That said Act be, and the same is hereby, further amended by adding thereto, after said section thirty thereof, a new section to read as follows:

General appraisers.
Term of office.
Vol. 26, p. 142,
amended.

“SEC. 31. That all of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said Act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

Salaries increased.

“That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of nine thousand dollars per annum.

Powers of, etc.

“That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt.”

Repeal.

SEC. 4. That all laws and parts of laws inconsistent with this Act are hereby repealed.

Effect.

SEC. 5. That this Act shall take effect and be in force from and after its passage.

Approved, May 27, 1908.

May 27, 1908.
[H. R. 18347.]

[Public, No. 147.]

CHAP. 206. An Act Making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes.

Postal service ap-
propriations.

Vol. 5, p. 80.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the Act of July second, eighteen hundred and thirty-six, as follows:

Postmaster-General.

OFFICE OF THE POSTMASTER-GENERAL.

Advertising.

For advertising, five thousand dollars.

Repair shops and
supplies division.
Rent of building.

For rent of suitable buildings for the use of the Post-Office Department, including the mail-bag repair shop, lock repair shop, and the division of supplies, thirty-five thousand two hundred dollars. And eight hundred dollars of said sum shall be immediately available.

Power, etc.

For electric power and light, and the repair of machinery in said buildings, five thousand five hundred dollars.

Post-office inspect-
ors.
Salaries.

FOR SALARIES OF POST-OFFICE INSPECTORS: For salaries of fifteen inspectors in charge of divisions, at three thousand dollars each; ten inspectors, at two thousand four hundred dollars each; fifteen inspectors, at two thousand two hundred and fifty dollars each; fifteen inspectors, at two thousand dollars each; ten inspectors, at one thousand eight hundred dollars each; one hundred and thirty inspectors, at one thousand six hundred dollars each; one hundred and ten inspectors, at one thousand four hundred dollars; and fifty inspectors, at one thousand two hundred dollars; in all, five hundred and seventy-two thousand seven hundred and fifty dollars.

Per diem.

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed four dollars per day, three hundred and twenty-five thousand dollars: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no

Provisos.
Temporary allow-
ances.

Limit.