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damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

Judgment.

United States not liable.

Bond continues until penalty is recovered.

SEC. 2. That every consular officer who accepts any appointment to any office of trust mentioned in the preceding section without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than five thousand dollars.

Breach of trust, embezzlement.

Penalty.

Approved, June 30, 1902.

CHAP. 1332.—An Act Relative to the control of dogs in the District of Columbia.

June 30, 1902.

[Public, No. 209.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections three, four, and nine of the Act of Congress approved June nineteenth, eighteen hundred and seventy-eight, entitled "An Act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

District of Columbia. Dog tax in. Vol. 20, p. 173, amended.

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of two dollars they shall be sold or destroyed, as the pound master may deem advisable; and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

Dogs without tags, etc.

Impounding of.

Time of redemption.

Sale valid.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

Dogs with tags, personal property. Exception.

Civil action for damages.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding fifty dollars, and in addition to such punishment the court shall adjudge and order that such animal be forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

Dangerous dogs. Punishment of owner.

Animal to be killed by poundmaster.

Female dogs.
Penalty.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars."

Approved, June 30, 1902.

June 30, 1902.
[Public, No. 210.]

CHAP. 1333.—An Act Providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

United States courts.
Circuit court of appeals, fifth circuit.
Additional term, Atlanta, Ga.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

Appeals, writs of error, etc.

SEC. 2. That all appeals, writs of error, and other appellate proceedings which may, after the date of this Act, be taken or prosecuted from the circuit or district courts of the United States in the State of Georgia to the court of appeals of the fifth judicial circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Atlanta in pursuance of this Act: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

Proviso.
Injunctions, etc.

Other terms.

SEC. 3. That this Act shall not operate to prevent the said court from holding other terms in the city of Atlanta or in such other places in the said fifth judicial circuit as said court may from time to time designate.

Vol. 26, p. 826, amended.

SEC. 4. That chapter five hundred and seventeen of Twenty-sixth United States Statutes at Large is hereby amended in accordance with the provisions of this Act.

Transportation expenses.

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office, (one) the necessary expenses incurred by him in transporting from his office in New Orleans, Louisiana, to Atlanta, Georgia, and in transporting from Atlanta, Georgia, to New Orleans, Louisiana, the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Atlanta, Georgia; (two) an allowance for actual expenses not exceeding ten dollars per day, to cover travel and subsistence, for each day he may be required to be present at Atlanta, Georgia, on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial circuit.

Allowance for actual expenses of clerk.

Approved, June 30, 1902.

June 30, 1902.
[Public, No. 211.]

CHAP. 1334.—An Act Extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

Yakima County, Wash.
Desert-land entries extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for making final proof on unperfected, uncontested, and uncanceled desert-land entries in Yakima County, Washington, be, and the same is hereby, extended for one year from the date of the passage of this Act, but no other or additional expenditure shall be made than is now required by law.

Approved, June 30, 1902.