

Construction of 1862, ch. 182, § 2. *Ante*, p. 582.

eighteen hundred and sixty-three, and for the fiscal year ending June thirty, eighteen hundred and sixty-four, is hereby appropriated therefor.

SEC. 3. *And be it further enacted*, That nothing contained in the third section of an act entitled "An act making supplemental appropriations for the year ending June thirty, eighteen hundred and sixty-three, and for the year ending June thirty, eighteen hundred and sixty-two, and for other purposes," approved July sixteen, eighteen hundred and sixty-two, shall be construed to increase the salaries of the Superintendent of the Census or the Assistant Postmasters-General.

APPROVED, February 25, 1868.

Feb. 25, 1863.

CHAP. LX. — *An Act to prevent Correspondence with Rebels.*

Correspondence written or verbal, with rebel government or agents or persons therein, how punished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person, being a resident of the United States, or being a citizen thereof, and residing in any foreign country, shall, without the permission or authority of the Government of the United States, and with the intent to defeat the measures of the said Government, or to weaken in any way their efficacy, hold or commence, directly or indirectly, any correspondence or intercourse, written or verbal, with the present pretended rebel Government, or with any officer or agent thereof, or with any other individual acting or sympathizing therewith; or if any such person above mentioned, not duly authorized, shall counsel or assist in any such correspondence or intercourse, with intent as aforesaid, he shall be deemed guilty of a high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not less than six months nor exceeding five years.

In what court offence to be tried.

SEC. 2. *And be it further enacted*, That where the offence is committed in any foreign country, the district court of the United States for the district where the offender shall be first arrested shall have jurisdiction thereof.

APPROVED, February 25, 1863.

Feb. 25, 1863.

1862, ch. 180. *Ante*, p. 577.

Contracts with government.

CHAP. LXI. — *An Act to amend an Act entitled "An Act to prevent Members of Congress and Officers of the Government of the United States from taking Considerations for procuring Contracts, Office, or Place from the United States, and for other Purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of said act shall be so construed as to embrace any agent of the Government of the United States.

APPROVED, February 25, 1863.

March 2, 1868.

CHAP. LXVII. — *An Act to prevent and punish Frauds upon the Government of the United States.*

Persons in military or naval service making or presenting fictitious claim, &c., against the government, how punished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person in the land or naval forces of the United States, or in the militia in actual service of the United States, in time of war, who shall make or cause to be made, or present or cause to be presented for payment or approval to or by any person or officer in the civil or military service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; any person in such forces or service who shall, for the purpose of obtaining, or aiding in obtaining, the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt,

voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, knowing the same to contain any false or fraudulent statement or entry; any person in said forces or service who shall make or procure to be made, or knowingly advise the making of any false oath to any fact, statement, or certificate, voucher or entry, for the purpose of obtaining, or of aiding to obtain, any approval or payment of any claim against the United States or any department or officer thereof; any person in said forces or service who, for the purpose of obtaining or enabling any other person to obtain from the Government of the United States, or any department or officer thereof, any payment or allowance, or the approval or signature of any person in the military, naval, or civil service of the United States, of or to any false, fraudulent, or fictitious claim, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any signature upon any bill, receipt, voucher, account, claim, roll, statement, affidavit, or deposition; and any person in said forces or service who shall utter or use the same as true or genuine, knowing the same to have been forged or counterfeited; any person in said forces or service who shall enter into any agreement, combination, or conspiracy to cheat or defraud the Government of the United States, or any department or officer thereof, by obtaining, or aiding and assisting to obtain, the payment or allowance of any false or fraudulent claim; any person in said forces or service who shall steal, embezzle, or knowingly and wilfully misappropriate or apply to his own use or benefit, or who shall wrongfully and knowingly sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service of the United States; any contractor, agent, paymaster, quartermaster, or other person whatsoever in said forces or service having charge, possession, custody, or control of any money or other public property, used or to be used in the military or naval service of the United States, who shall, with intent to defraud the United States, or wilfully to conceal such money or other property, deliver or cause to be delivered to any other person having authority to receive the same any amount of such money or other public property less than that for which he shall receive a certificate or receipt; any person in said forces or service who is or shall be authorized to make or deliver any certificate, voucher, or receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other public property so used or to be used, who shall make or deliver the same to any person without having full knowledge of the truth of the facts stated therein, and with intent to cheat, defraud, or injure the United States; any person in said forces or service who shall knowingly purchase or receive, in pledge for any obligation or indebtedness, from any soldier, officer, or other person called into or employed in said forces or service, any arms, equipments, ammunition, clothes, or military stores, or other public property, such soldier, officer, or other person not having the lawful right to pledge or sell the same, shall be deemed guilty of a criminal offence, and shall be subject to the rules and regulations made for the government of the military and naval forces of the United States, and of the militia when called into and employed in the actual service of the United States in time of war, and to the provisions of this act. And every person so offending may be arrested and held for trial by a court-martial, and if found guilty shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death.

False vouchers.

False oaths.

Forging signatures.

Uttering forged papers.

Conspiring to defraud.

Stealing or embezzling.

Contractors, &c., concealing property, &c.

Delivering, &c., false receipts for arms, &c.

Purchasing or receiving arms, &c., from soldiers.

Trial by court-martial.

Punishment.

Dismissal from service not to prevent trial.

SEC. 2. *And be it further enacted,* That any person heretofore called or hereafter to be called into or employed in such forces or service, who shall commit any violation of this act and shall afterwards receive his discharge, or be dismissed from the service, shall, notwithstanding such discharge or dismissal, continue to be liable to be arrested and held for

trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge or been dismissed.

Persons not in the service committing such frauds, how punished.

SEC. 3. *And be it further enacted*, That any person not in the military or naval forces of the United States, nor in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the foregoing provisions of this act, he shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit, and every such person shall in addition thereto, on conviction in any court of competent jurisdiction, be punished by imprisonment not less than one, nor more than five years, or by fine of not less than one thousand dollars, and not more than five thousand dollars.

Forfeiture and damages.

District courts, &c., to have jurisdiction.

SEC. 4. *And be it further enacted*, That the several district courts of the United States, the circuit court of the District of Columbia, or any court therein to be established having general jurisdiction in civil cases, the several district courts of the Territories of the United States within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Who may institute, &c., suit.

District attorneys to make diligent inquiry for violations of this act.

SEC. 5. *And be it further enacted*, That it shall be the duty of the several district attorneys of the United States for the respective districts, or the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of this act by persons liable to such suit, and found within their respective districts or territories, and to cause him or her to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the said sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Arrests; bail.

Prosecutor to receive half forfeiture.

SEC. 6. *And be it further enacted*, That the person bringing said suit and prosecuting it to final judgment shall be entitled to receive one half the amount of such forfeiture, as well as one half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Costs.

Proviso.

Suit to be commenced within six years.

SEC. 7. *And be it further enacted*, That every such suit shall be commenced within six years from the doing or committing the act, and not afterwards.

Certain persons interested, not to act as agents of the government.

SEC. 8. *And be it further enacted*, That no officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such *such* officer

agent, or member, or person, so interested, who shall so act, shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars nor less than five hundred dollars, and by imprisonment for a term not exceeding two years.

SEC. 9. *And be it further enacted*, That all acts and parts of acts inconsistent with or repugnant to any of the provisions of this act are hereby repealed, saving, however, and excepting any and all suits or prosecutions now commenced pending, and all rights of suit or prosecution under any prior act of Congress, on account of the doing or committing of any act hereby prohibited; and all rights and claims which the United States, or any person or persons, now have, growing out of such prior act; all which pending suits and prosecutions shall proceed and be determined, and all which rights and claims shall remain and be as valid and effectual as if this present act had not been passed; nor shall this act be so construed as in any way to impair or affect the obligation, duty, or liability of any person who now is or shall hereafter become the surety of any person contracting with the United States, or any officer or agent thereof; but every such surety shall be liable and answerable for the default of his principal in the same manner as if this act had not been passed, save to the extent to which his principal has performed the contract, or, if damages have been so recovered, to the extent of one half of the damages so recovered and paid; which last amount may be shown in reduction of damages in any suit brought against the principal and surety, or principals and sureties, on their contract.

Repealing and saving clause.

APPROVED, March 2, 1868.

CHAP. LXVIII. — *An Act to authorize an Increase in the Number of Major-Generals and Brigadier Generals for Forces in the Service of the United States.*

March 2, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the four major-generals and nine brigadier-generals for the regular army, and the forty major-generals and two hundred brigadier-generals for the volunteer service, authorized by the existing laws, there may be appointed thirty major-generals and seventy-five brigadier-generals for forces in the service of the United States other than the regular army: *Provided*, That the officers to be appointed under this act shall be selected from those who have been conspicuous for gallant or meritorious conduct in the line of duty.

Increase of major-generals and brigadiers.

Selection.

APPROVED, March 2, 1868.

CHAP. LXIX. — *An Act to fix the Terms of the Circuit and District Courts in the Districts of Wisconsin and Iowa.*

March 2, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of the times heretofore fixed by law, the Circuit Court of the United States for the district of Wisconsin (after the January term, eighteen hundred and sixty-three) shall be held as follows: At Milwaukee on the third Monday in April and first Monday in July, and at Madison on the second Monday in November, and all writs, suits, pleas, recognizances, indictments, or other proceedings, civil or criminal, issued, commenced, or pending in said court, shall be returnable to, be entered, and have day in court, and be heard and tried according to the provisions of this act.

Courts in Wisconsin,

in Iowa.

SEC. 2. *And be it further enacted*, That, instead of the times heretofore provided by law, the terms of the circuit and district courts for the district of Iowa, to be held at Des Moines, shall be held on the second Tuesday of May and third Tuesday in October in each year, and the fall term