

Provision for adjourned terms.

term of said court to be held at any other time, at which adjourned term any business may be transacted which could be transacted at any regular term. A copy of said order shall be posted on the door of the court-room, and advertised in some newspaper printed in the city of St. Louis, twenty days, at least, before said adjourned term shall be holden.

Same subject.

SEC. 3. *And be it further enacted,* That the district judge for said district may order a special term or terms of said circuit court, to be holden at St. Louis, on any day mentioned in said order, at which special term any business may be transacted which might be transacted at any regular term of said court, and shall cause the copy of said order to be posted up and published as aforesaid. He may also rescind any such order, made either in term time or vacation, or fix a different day for said term or terms, giving notice thereof as aforesaid.

Special term of the district court at Cleveland, Ohio.

SEC. 4. *And be it further enacted,* That there shall be held at the city of Cleveland, in the State of Ohio, on the third Tuesday in March, this year, a special term of the district court of the United States for the northern district of Ohio, and also a special term of the circuit court of the United States for said district, at which terms respectively any business may be transacted, which might, under existing laws, be transacted at any regular term.

APPROVED, February 21, 1855.

Feb. 24, 1855.

CHAP. CXXII.—*An Act to establish a Court for the Investigation of Claims against the United States.*

Court of Claims established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a court shall be established to be called a Court of Claims, to consist of three judges, to be appointed by the President, by and with the advice and consent of the Senate, and to hold their offices during good behaviour; and the said court shall hear and determine all claims founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the government of the United States, which may be suggested to it by a petition filed therein; and also all claims which may be referred to said court by either house of Congress. It shall be the duty of the claimant in all cases to set forth a full statement of the claim, and of the action thereon in Congress, or by any of the departments, if such action has been had; specifying also what person or persons are owners thereof or interested therein, and when and upon what consideration such person or persons became so interested. Each of the said judges shall receive a compensation of four thousand dollars per annum, payable quarterly, from the treasury of the United States, and shall take an oath to support the Constitution of the United States and discharge faithfully the duties of his office.

Jurisdiction.

Statement of claims to be made.

Compensation and oath of judges.

United States solicitor in said court to be appointed.

His duties.

SEC. 2. *And be it further enacted,* That a solicitor for the United States, to represent the government before said court, shall be appointed by the President, by and with the advice and consent of the Senate. It shall be the duty of said solicitor to prepare all cases on the part of the government for hearing before said court, and to argue the same when prepared; to cause testimony to be taken, when necessary to secure the interest of the United States; to prepare forms, file interrogatories, and superintend the taking of testimony, in the manner prescribed by said court, and generally to render such services as may be required of him from time to time, in the discharge of the duties of his office. Said solicitor shall be sworn to faithful discharge of the duties of his office, in the manner prescribed for the qualification of the judges in the first section of this act; and he shall receive a compensation of three thousand five hundred dollars per annum for his services, to be paid quarterly from the treasury of the United States.

His oath and pay.

SEC. 3. *And be it further enacted,* That the said court shall have authority to establish rules and regulations for its government; to appoint commissioners to take testimony to be used in the investigation of claims that may come before it; to prescribe the fees they shall receive for their services, and to issue commissions for the taking of such testimony, whether the same shall be taken at the instance of the claimant, or of the United States, and also to issue subpoenas to require the attendance of witnesses in order to be examined before such commissioners; which subpoenas shall have the same force, as if issued from a district court of the United States, and compliance therewith shall be compelled under such rules and orders as the court hereby created shall establish. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when taken at the instance of the government, such fees, together with all postage incurred by the solicitor aforesaid in his official capacity, shall be paid out of the contingent fund provided for said court. In all cases, when it can be conveniently done, the testimony shall be taken in the county where the deponent resides; and the commissioner taking the same is hereby authorized and required to administer an oath or affirmation to the witnesses brought before him for examination.

Rules and regulations.

Commissioners to take testimony.

Subpoenas.

Depositions.

SEC. 4. *And be it further enacted,* That in all cases where it shall appear to the court that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony in the case, until the same shall have been reported by them to Congress, as is hereinafter provided: *Provided, however,* That if Congress shall, in such case, fail to confirm the opinion of said board, they shall proceed to take the testimony in such case.

Court may refuse to issue commission in certain cases.

SEC. 5. *And be it further enacted,* That in taking testimony to be used in support of any claim before said court, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe, and like opportunity shall be afforded the claimant in cases where testimony is taken on behalf of the United States under like regulations.

Cross-examination.

SEC. 6. *And be it further enacted,* That if any person shall knowingly and wilfully swear falsely before said court, or before any person or persons commissioned by them, or authorized by this act to take testimony in a case pending before said court at the time of taking said oath, or in a case thereafter to be submitted to said court, such person shall be deemed guilty of perjury, and, on conviction thereof, shall be subjected to the same pains, penalties, and disabilities which now are, or shall be hereafter, by law prescribed for wilful and corrupt perjury.

Penalty for false swearing.

SEC. 7. *And be it further enacted,* That said court shall keep a record of their proceedings, and shall, at the commencement of each session of Congress, and at the commencement of each month during the session of Congress, report to Congress the cases upon which they shall have finally acted, stating in each the material facts which they find established by the evidence, with their opinion in the case, and the reasons upon which such opinion is founded. Any judge who may dissent from the opinion of the majority shall append his reasons for such dissent to the report; and such report, together with the briefs of the solicitor and of the claimant, which shall accompany the report, upon being made to either house of Congress, shall be printed in the same manner as other public documents. And said court shall prepare a bill or bills in those cases which shall have received the favorable decision thereof, in such form as, if enacted, will carry the same into effect. And two or more cases may be embraced in the same bill, where the separate amount proposed to be allowed in each case shall be less than one thousand dollars. And the said court shall transmit with said reports the testimony in each

Record to be kept and report to be made.

Dissenting opinions.

Reports to be printed.

Court to prepare bills.

Claims may be consolidated.

Testimony to be reported.

case, whether the same shall receive the favorable or adverse action of said court.

Reports and bills to be continued from one session to another, and from one Congress to another.

SEC. 8. *And be it further enacted,* That said reports, and the bills reported as aforesaid, shall, if not finally acted upon during the session of Congress to which the said reports are made, be continued from session to session, and from Congress to Congress, until the same shall be finally acted upon, and the consideration of said reports and bills shall, at the subsequent session of Congress, be resumed, and the said reports and bills be proceeded with in the same manner as though finally acted upon at the session when presented.

Adverse reports.

SEC. 9. *And be it further enacted,* That the claims reported upon adversely shall be placed upon the calendar when reported, and if the decision of said court shall be confirmed by Congress, said decision shall be conclusive; and the said court shall not, at any subsequent period, consider said claims unless such reasons shall be presented to said court as, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

Rooms to be assigned to said court.

SEC. 10. *And be it further enacted,* That it shall be the duty of the Speaker of the House of Representatives, within a reasonable time after the passage of this act, to appropriate such rooms in the Capitol at Washington, for the use of said court, as may be necessary for their accommodation, unless it shall appear to the Speaker that such rooms cannot be appropriated without interfering with the business of Congress; and, in that event, the said court shall procure, at the city of Washington, such rooms as may be necessary for the convenient transaction of their business.

Court may call on departments for information.

SEC. 11. *And be it further enacted,* That said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and have the use of all recorded and printed reports made by the committees of each house, when deemed to be necessary in the prosecution of the duties assigned by this act. Said court shall appoint a chief clerk, whose salary shall be two thousand dollars per annum, and an assistant clerk, if deemed necessary, whose salary shall be fifteen hundred dollars per annum, and a messenger, whose salary shall be eight hundred dollars per annum, to be paid quarterly at the treasury. The said clerks shall be under the direction of said court in the performance of their duties, and for misconduct or incapacity may be removed from office by it; but, when so removed, said board shall make report thereof, with the cause of such removal, to Congress, if in session, or at the next session of Congress. Said clerk and assistant clerk shall take an oath for the faithful discharge of their duties: *Provided,* That the head of no department shall answer any call for information or papers if, in his opinion, it would be injurious to the public interest.

Clerk and assistant clerk.

Their salaries. Messenger's salary.

Their oaths.

Departments not to furnish information injurious to public interest.

APPROVED, February 24, 1855.

Feb. 24, 1855.

CHAP. CXXIII.—*An Act concerning the Apprehension and Delivery of Deserters from Foreign Vessels in the Ports of the United States.*

Powers of commissioners of courts respecting deserters from foreign vessels.

1829, ch. 41.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners who now are, or hereafter may be, appointed by the circuit courts of the United States, to take acknowledgments of bail, and for other purposes, may and shall exercise all the powers conferred on any court, judge, or other magistrate by the act approved the second day of March, one thousand eight hundred and twenty-nine, entitled "An act to provide for the apprehension and delivery of deserters from certain foreign vessels in the ports of the United States."

APPROVED, February 24, 1855.