

States before the passage of this act shall be cognizable in the court of the western division of the western district of Tennessee held at Memphis, and actions or proceedings now pending at Memphis against defendants residing in said county of Hardeman may, on the application of either party, be transferred to the court at Jackson; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of the court at Jackson, and the same shall proceed in all respects as though originally commenced in said court.

Approved, January 15, 1883.

**CHAP. 26.**—An act to increase the fees of witnesses in the United States courts in certain cases.

Jan. 15, 1883.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons residing west of the Mississippi River, excepting those who are by law entitled to a higher compensation, who have been or may hereafter be in attendance at Washington, District of Columbia, under subpoena or under the direction of the Department of Justice as witnesses in any of the courts of said district, in any of the cases known as star-routes prosecutions, shall be entitled to receive a total per diem of two dollars and fifty cents per day, and mileage for actual travel only to and from their place of residence, by the usual routes of travel, at the rate of seven cents per mile.

Increase of fees of witnesses in U. S. courts in certain cases.

Approved, January 15, 1883.

**CHAP. 27.**—An act to regulate and improve the civil service of the United States.

Jan. 16, 1883.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

Civil service.

Commission.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

Removals. Vacancies, how filled.

The commissioners shall each receive a salary of three thousand five hundred dollars a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

Compensation.

**SEC. 2.** That it shall be the duty of said commissioners:

Duties.

**FIRST.** To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

Rules.

**SECOND.** And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the

Competitive examinations.

relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Offices, etc., how filled.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Appointments, how apportioned.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

Applications, how made.

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Contributions for political purposes prohibited.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Non-competitive examinations.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

Notice of appointment, etc.

Seventh, there shall be non-competitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

Regulations for examinations; record to be kept.

Eighth, that notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

Duties of commissioners.

THIRD. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

Report of commissioners.

FOURTH. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

Chief examiner.

FIFTH. Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Compensation. Traveling expenses.

SEC. 3. That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The commission shall have a secretary, to be appointed by the President, who shall receive a salary

Secretary.

of one thousand six hundred dollars per annum. It may, when necessary, employ a stenographer, and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

Compensation.  
Stenographer.  
Messenger.

Board of examiners.

Examinations, when made.

U. S. officials to allow use of public buildings for examinations.

SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said commission.

Secretary Interior to provide rooms, etc., at Washington, D. C.

SEC. 5. That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

Violation of duties, etc.: penalty.

SEC. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be all together as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

Secretary of the Treasury to make classification of certain clerks.

R. S. 163, 27.

Report to be made to President U. S.

**Duties of Postmaster-General.**

General, in general conformity to said one hundred and sixty-third section. Second. Within said sixty days it shall be the duty of the Postmaster-General, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President.

**R. S. 158, 26.**  
Classification of officers not heretofore classified.

Third. That from time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

After six months from passage of act all appointments and promotions to be made only upon examination, etc.

SEC. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.

Exemptions. Preference of persons disabled in military or naval service.

**R. S. 1754, 312.**  
President to regulate admissions to the civil service.  
**R. S. 1753, 312.**

SEC. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

Use of intoxicating beverages to excess a bar to official position.

Members of a family.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

Recommendations by Representatives in Congress as to character and residence, only, to receive consideration.

SEC. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

Assessments, subscriptions, or contributions for political purposes prohibited.

SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

SEC. 12. That no person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever.

SEC. 13. No officer or employee of the United States mentioned in this act shall discharge, or promote, or degrade, or in manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

Immunity from official proscription, etc.

SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

Giving money, etc., to officials for political purposes prohibited.

SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.

Penalty.

Approved, January sixteenth, 1883.

**CHAP. 32.**—An act for the relief of Herman Biggs.

Jan. 18, 1883.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to place on the list of retired officers of the United States Army the name of Herman Biggs, with the rank of captain of staff, this being the actual rank in the Regular Army held by him when, in action, he received the wound from which he suffers permanent disability: *Provided:* That no pay or allowances shall accrue or be paid said Biggs under this act prior to his confirmation.

Herman Biggs. Placed on retired list, Army.

*Proviso.*

J. WARREN KEIFER,  
*Speaker of the House of Representatives.*  
DAVID DAVIS,  
*President of the Senate pro tempore.*

Received by the President January 6, 1883.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

**CHAP. 33.**—An act amending sections nineteen hundred and twenty-six and nineteen hundred and twenty-seven of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana.

Jan. 19, 1883.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections nineteen hundred and twenty-six and nineteen hundred and twenty-seven of the Revised Statutes of the United States are hereby amended by striking out the word "Washington," and the words "Idaho, Montana," where they occur in said section nineteen hundred and twenty-six, and inserting the said words immediately after the word "Colorado" where the same occurs in said section nineteen hundred and twenty-seven.

R. S. 1926, 339.  
R. S. 1927, 339.  
Amended.

Approved, January 19, 1883.