

CHAP. LXXI. — *An Act to provide for Appeals from the Court of Claims, and for other Purposes.* June 25, 1868.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an appeal to the Supreme Court of the United States shall be allowed on behalf of the United States from all the final judgments of the said court of claims adverse to the United States, whether such judgments shall have been rendered by virtue of the general or any special power or jurisdiction of said court under the limitations now provided by law for other cases of appeal from said court.

Appeal allowed to Supreme Court, from all judgments of court of claims adverse to the United States.

SEC. 2. *And be it further enacted,* That said court of claims, at any time while any suit or claim is pending before or on appeal from said court, or within two years next after the final disposition of any such suit or claim, may, on motion on behalf of the United States, grant a new trial in any such suit or claim and stay the payment of any judgment therein, upon such evidence (although the same may be cumulative or other) as shall reasonably satisfy said court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

New trials, within what time and for what cause.

SEC. 3. *And be it further enacted,* That whenever it shall be material in any suit or claim before any court to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant or party asserting the loyalty of any such person to the United States during such rebellion, shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

Party asserting the loyalty of any person during the rebellion to prove the same affirmatively.

Voluntary residence in rebel State to be prima facie evidence of giving aid, &c. to the rebellion.

SEC. 4. *And be it further enacted,* That no plaintiff or claimant, or any person from or through whom any such plaintiff or claimant derives his alleged title, claim or right against the United States, or any person interested in any such title, claim, or right shall be a competent witness in the court of claims in supporting any such title, claim, or right, and no testimony given by such plaintiff, claimant, or person shall be used: *Provided,* That the United States shall, if they see cause, have the right to examine such plaintiff, claimant, or person as a witness under the regulations and with the privileges provided in section eight of the act passed March third, eighteen hundred and sixty-three, entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February twenty-fourth, eighteen hundred and fifty-five.

Claimants and persons interested in claims to be incompetent witnesses;

may be examined by the United States. 1863, ch. 92, § 8 Vol. xii. p. 766.

SEC. 5. *And be it further enacted,* That from and after the first day of July, eighteen hundred and sixty-eight, the Attorney-General of the United States for the time being shall, with his assistants, attend to the prosecution and defence of all matters and suits in the court of claims on behalf of the United States. There shall be appointed by the President, by and with the advice and consent of the Senate, two assistant attorneys-general, who shall hold their offices for four years respectively, unless sooner lawfully removed, and whose salaries shall be four thousand dollars each, per year, payable quarterly, and who shall be in lieu of the solicitor, assistant solicitor, and deputy solicitor of the court of claims, and of the assistant attorney-general now provided for by law; and the existing offices of solicitor, assistant solicitor, and deputy solicitor, of the court of claims, and of assistant attorney-general, are hereby abolished from and after the first day of July, eighteen hundred and sixty-eight. The Attorney-General shall have power to appoint two

Attorney-general and assistants to prosecute, &c. all suits in court of claims for the United States.

Two assistant attorneys-general authorized; term of office, salary, &c.

Offices of solicitor, assistant and deputy solicitor, and assistant attorney-general abolished.

Attorney-general may appoint two additional clerks.

Attorney-general and assistants in certain suits against the United States in court of claims to call on departments, &c.

Departments, bureaus, &c. to furnish statement upon call of attorney-general.

Statement to contain what;

official documents and papers;

decisions of department, &c.;

if upon acts of Congress;

upon regulations of an executive department.

One statement to suffice for a class of cases.

Heads of departments in certain cases may send claim, &c. to court of claims, to be proceeded in as though originally voluntarily commenced there by claimant.

additional clerks of the fourth class, and one clerk at a salary not exceeding two thousand dollars, in his office.

SEC. 6. *And be it further enacted,* That it shall also be the duty of the said Attorney-General and his assistants, in all cases brought against the United States in said court of claims founded upon any contract, agreement, or transaction with any executive department, or any bureau, officer, or agent of such department, or where the matter or thing on which the claim is based shall have been passed upon and decided by any department, bureau, or officer intrusted by law or department regulations with the settlement and adjustment of such claims, demands, or accounts, to transmit to said department, bureau, or officer, as aforesaid, a printed copy of the petition filed by the claimant in such case, with a request that the said department, bureau, or officer to whom the same shall be so transmitted as aforesaid, will furnish to said Attorney-General all facts, circumstances, and evidence touching said claim as is or may be in the possession or knowledge of the said department, bureau, or officer; and it shall be the duty of the said department, bureau, or officer to whom such petition may be transmitted and such request preferred as aforesaid, without delay, and within a reasonable time, to furnish said Attorney-General with a full statement of all the facts, information, and proofs which are or may be within the knowledge or in the possession of said department, bureau, or officer, relating to the claim aforesaid. Such statement shall also contain a reference to or description of all official documents or papers, if any, as may or do furnish proof of facts referred to in said statement, or that may be necessary and proper for the defence of the United States against the said claim, together with the department, office, or place where the same is kept or may be procured. And if the said claim shall have been passed upon and decided by the said department, bureau, or officer, the statement or answer to be transmitted to said Attorney-General, as hereinbefore provided, shall succinctly state the reasons and principles upon which such decision shall have been based. In all cases where such decision shall have been made upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically. And if any previous interpretation or construction shall have been given to such act, section, or clause, by the said department or bureau transmitting such statement, the same shall be set forth succinctly in said statement, and a copy of the opinion filed, if any, shall be annexed to such statement and transmitted with the same to the Attorney-General aforesaid. And where any decision in the case shall have been based upon any regulation of an executive department, or where such regulation shall or may, in the opinion of the department, bureau, or officer transmitting such statement, have any bearing upon the claim in suit, the same shall be distinctly referred to and quoted in extenso in the statement transmitted to said Attorney-General: *Provided, however,* That where there shall be pending in said court more than one case, or a class of cases, the defence to which shall rest upon the same facts, circumstances, and proofs, the said department, bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such classes of cases as if made out, certified, and transmitted in each case respectively.

SEC. 7. *And be it further enacted,* That it shall and may be lawful for the head of any executive department, whenever any claim is made upon said department involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the decision will affect a class of cases or furnish a precedent for the future action of any executive department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, to cause such claim,

with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the court of claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant. And the Secretary of the Treasury may, upon the certificate of any auditor or comptroller of the treasury, direct any account, matter, or claim of the character, amount, or class described or limited in this section to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court of claims, for trial and adjudication: *Provided, however,* That no case shall be referred by any head of a department unless it belongs to one of the several classes of cases to which, by reason of the subject-matter and character, the said court of claims might, under existing laws, take jurisdiction on such voluntary action of the claimant. And all the cases mentioned in this section which shall be transmitted by the head of any executive department, or upon the certificate of any auditor or comptroller, shall be proceeded in as other cases pending in said court, and shall, in all respects, be subject to the same rules and regulations; and appeals from the final judgments or decrees of said court therein to the Supreme Court of the United States shall be allowed in the manner now provided by law. The amount of the final judgments or decrees in such cases so transmitted to said court, where rendered in favor of the claimants, shall in all cases be paid out of any specific appropriation applicable to the same, if any such there be; and where no such appropriation exists, the same shall be paid in the same manner as other judgments of said court.

Secretary of Treasury may send accounts, &c. to court of claims for trial, &c.

Cases only to be referred, over which the court would have jurisdiction, if commenced by claimant.

Proceedings in these cases.

Final judgments and decrees, how paid.

SEC. 8. *And be it further enacted,* That no person shall file or prosecute any claim or suit in the court of claims, or an appeal therefrom, for or in respect to which he or any assignee of his shall have commenced and has pending any suit or process in any other court against any officer or person who, at the time of the cause of action alleged in such suit or process arose, was in respect thereto acting or professing to act, mediately or immediately, under the authority of the United States, unless such suit or process, if now pending in such other court, shall be withdrawn or dismissed within thirty days after the passage of this act.

Claims pending in other courts not to be prosecuted in court of claims, unless prior suit is withdrawn, &c.

SEC. 9. *And be it further enacted,* That it shall be the duty of the clerk of the said court of claims to transmit to Congress, at the commencement of every December session, a full and complete statement of all the judgments rendered by the said court for the previous year, stating the amounts thereof and the parties in whose favor rendered, together with a brief synopsis of the nature of the claims upon which said judgments have been rendered.

Clerk of court of claims to transmit to Congress statement of judgments rendered by said court, &c.

SEC. 10. *And be it further enacted,* That all provisions of any act incompatible herewith be, and the same are hereby, repealed.

Repeal of inconsistent laws.

APPROVED, June 25, 1868.

CHAP. LXXII. — *An Act constituting eight Hours a Day's Work for all Laborers, Workmen, and Mechanics employed by or on Behalf of the Government of the United States.* June 25, 1868.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the government of the United States; and that all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Eight hours to constitute a day's work for mechanics, laborers, &c. employed by the United States.

APPROVED, June 25, 1868.