

Unloading permit restrictions.

Sea stores.

unloaded, except as accounted for in the master's report, and that the errors and omissions in the manifest were made without fraud or collusion; and in such case the master may be allowed to correct his manifest by means of a post entry. A permit shall not be granted to unload any such merchandise so omitted from the manifest before post entry or addition to report of manifest has been made.

SEC. 5. That if sea stores are found on board of a vessel from any port, other than a port in the Canal Zone or the Republic of Panama, which are not specified in the list furnished the boarding officer, or if a greater quantity of such articles is found than that specified in such list, or if any of such articles are landed without a permit being first obtained from the customs officer for that purpose, all of such articles omitted from the list or manifest, or so landed shall be seized and forfeited, and the master of the vessel shall be liable to a penalty treble the value of the articles so omitted or landed.

Approved, February 16, 1933.

[CHAPTER 91.]

AN ACT

To amend sections 7, 8, and 9 of the Panama Canal Act, as amended.

February 16, 1933.

[H. R. 7523.]

[Public, No. 357.]

Panama Canal Act amendments.  
Vol. 37, p. 584; Vol. 42, p. 1004, amended.

Governor to have control of Canal Zone civil government.

Administration.

Towns and subdivisions authorized.

Magistrate's court jurisdiction.

Amounts increased.

Preliminary hearings in felony and misdemeanor charges.

Right of district attorney.

Magistrates, constables, etc.  
Qualifications, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Panama Canal Act of August 24, 1912, as amended, is hereby amended to read as follows:

"SEC. 7. That the Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this Act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the Governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law.

"The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone, and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined.

"In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed \$500, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of \$100, or imprisonment for thirty days, or both, and all actions involving the forcible entry and detainer of real estate.

"Such magistrates' courts shall also hold preliminary hearings in all charges of felony and in charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrates' courts, and commit or bail in bailable cases to the district court; but this provision shall not deprive the district attorney of the right to present an information to the district court after a defendant has been discharged by a magistrate court.

"A sufficient number of magistrates and constables, who must be citizens of the United States, and other employees necessary to conduct the business of such courts, shall be appointed by the President

or by his authority for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority.

Appointment, compensation.

"Before assuming office the magistrates and constables shall take and subscribe an oath of office before a notary public of the Canal Zone to the effect that they will faithfully and impartially discharge the duties of their respective offices.

Oath of office.

"The rules governing said courts and prescribing the duties of said magistrates and constables, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, and forfeitures shall be established by order of the President.

Rules, etc., to be established.

"The Governor may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of the Canal Zone and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

Pardoning, etc., power of Governor.

"The Governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

Notaries public.

"Appeals from the judgments and rulings of the magistrates' courts to the district court are authorized in all civil and criminal cases."

Appeals to district court.

SEC. 2. That section 8 of the Panama Canal Act, as amended, is hereby amended to read as follows:

"SEC. 8. There shall be in the Canal Zone one district court, to be known and designated as the United States District Court for the District of the Canal Zone. There shall be two divisions of said district court, one including Balboa and the other including Cristobal, and the boundaries of the divisions shall be determined by the President.

District court, divisions of.

"There shall be one district judge of the said district; provided that the President may appoint a special district judge to act, when necessary, during the absence of the district judge from the Canal Zone or during any period of disability or disqualification from sickness, or otherwise to discharge his duties, and such special district judge shall receive the same rate of compensation and the same mileage and per diem as is paid to the district judge. Terms of the district court shall be held in the Balboa and Cristobal divisions at such times as the judge may designate by order.

District judges.

"The rules of said district court shall be prescribed by the district judge.

Terms of district court.

"The said district court shall have jurisdiction of:

Rules to be prescribed.

"All criminal cases wherein the punishment that may be imposed exceeds a fine of \$100 or thirty days' imprisonment or both;

Jurisdiction.

"All cases in equity;

"All cases in admiralty;

"All cases of divorce and annulment of marriage;

"All cases at law involving principal sums exceeding \$500;

"All appeals from judgments rendered in the magistrates' courts;

"All cases and proceedings involving laws of the United States applicable to the Canal Zone;

"All other matters and proceedings wherein jurisdiction is conferred by the codes of law and procedure of the Canal Zone;

"In addition to the jurisdiction now specifically conferred on it by certain Acts of Congress, the said court shall have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed upon the high seas beyond the territorial limits of the Canal Zone, on vessels belonging in whole or in part to the United States, or any citizen thereof or any corporation created by or under the laws of the United States or of any State, Territory,

Offenses on high seas on American vessels, and offenders found in Canal Zone, etc.

<p><i>Proviso.</i> Jurisdiction of United States district courts not affected.</p>	<p>or District thereof, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense: <i>Provided</i>, That this provision shall not be construed to deprive the district courts of the United States of any jurisdiction now provided by law. The procedure and practice in such cases shall be the same as in other criminal cases tried under the laws of the Canal Zone.</p>
<p>Jurisdiction in admiralty, etc.</p>	<p>“The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same as is exercised by the United States district judges and the United States district courts, and the practice and procedure shall be the same as in the United States district courts.</p>
<p>Practice, etc.</p>	<p>“The judge of the district court shall provide for the selection, summoning, and serving of jurors from among the citizens of the United States subject to jury duty to serve in the division of the district in which such jurors reside, and a jury shall be had in any civil or criminal case originating in the said court on the demand of either party, subject to such limitations as may be contained in any codes which may hereafter be enacted for the Canal Zone. Any citizen of the United States who is employed by the Panama Canal or the Panama Railroad Company within the Canal Zone, and who resides in a residence owned by the Panama Canal or Panama Railroad Company in territory contiguous to the Canal Zone shall, for the purpose of this subdivision, be deemed to reside in the division nearest his place of residence. Jurors who are employed by the Panama Canal or the Panama Railroad Company shall receive their full pay for time attending court and shall not receive any other compensation from the court for their attendance as jurors. Any juror who is not an employee of the Panama Canal or the Panama Railroad Company shall be allowed a jury fee of \$5 per diem during the time of his attendance.</p>
<p>Jury duty, etc. Vol. 44, p. 924.</p>	<p>“The said district judge shall receive the same salary as is allowed to United States district judges, and when holding court away from home shall be allowed the same mileage and per diem as is allowed to United States district judges.</p>
<p>Original civil or criminal cases.</p>	<p>“The district judge shall appoint the clerk of the district court and the President may authorize the appointment of such deputy clerk or deputy clerks and clerical assistants to the judge and the clerk as he shall deem necessary; and all of such officials and employees shall receive such compensation as the President shall prescribe.</p>
<p>Residence requirements.</p>	<p>“When no special judge has been appointed and the district judge is absent from the Canal Zone and is in the United States or any of the Territories or possessions thereof, he may make in the place where he is any order or orders which in his discretion may be necessary, and which could have been made in chambers on the Canal Zone, notwithstanding the fact that such order or orders were made by him outside of the jurisdiction of said court. Any such order so made shall have the same force and effect as though made in chambers on the Canal Zone.</p>
<p>Jurors, pay.</p>	<p>“Whenever any such order is made as provided in this section the judge shall forward the same to the clerk of the court by mail. He shall also communicate the substance of such order to the clerk of the court by radio or other means, and upon the receipt of such message the clerk of the court shall proceed to have the same carried into effect as fully as though such procedure were had on a written order made by the judge in chambers.</p>
<p>Pay, etc., of judge.</p>	
<p>Clerk, etc.</p>	
<p>Orders of judge when absent from Canal Zone.</p>	
<p>Communication of, to clerk. By mail. By radio.</p>	

"The judge shall make such rules respecting such radio procedure, including the fixing and the payment of the cost thereof, as may, in his discretion, be necessary.

Rules of radio procedure.

"There shall be a district attorney for the Canal Zone, whose compensation shall be fixed by the President.

District attorney.

"It shall be the duty of the district attorney to conduct all legal proceedings, civil and criminal, for the Government of the United States and for the government of the Canal Zone, and it shall also be his duty to advise the Governor of the Panama Canal, upon request of the latter, on matters pertaining to the office of the governor.

Pay, duties, etc.

"The district attorney shall be allowed such assistant district attorneys, clerks, and other employees as the President may authorize, and all of such officials and employees shall receive such compensation as the President shall prescribe.

Assistants, etc.

"There shall be a marshal of the said district whose compensation shall be fixed by the President. The said marshal shall be allowed such deputy marshals as the President may authorize, and such deputies shall receive such compensation as the President shall prescribe.

Marshal, etc.  
Pay.

"It shall be the duty of said marshal to attend the district court when sitting and to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States or of the government of the Canal Zone, except process returnable to the magistrates courts; and he shall have power to command all necessary assistance in the execution of his duty. He shall perform such other duties, not inconsistent with law, as may be prescribed from time to time by the President.

Duties.

"The district judge, the district attorney, and the marshal shall be appointed by the President, as heretofore, by and with the advice and consent of the Senate, for terms of four years each. They shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead. During their term of office they shall reside within the Canal Zone, and shall be allowed sixty days' leave of absence each year, with pay, under such regulations as the President may from time to time prescribe."

District judge, district attorney and marshal.  
Appointment, tenure, etc.  
Vol. 44, p. 924.

SEC. 3. That section 9 of the Panama Canal Act, as amended, is hereby amended to read as follows:

"SEC. 9. The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the said district court, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all cases whereof original trial jurisdiction is in the district court. And such appellate jurisdiction, subject to the right of review by the Supreme Court of the United States as in other cases authorized by law, may be exercised by said Circuit Court of Appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

Circuit Court of Appeals of Fifth Circuit.  
Right of review, etc.

Appellate jurisdiction.

Procedure.

"Cases pending in the said Circuit Court of Appeals at the time of the passage of this Act shall not be affected hereby, but the same shall be disposed of as though this Act had not been enacted.

Pending cases not affected.

"That it shall not be necessary in the district court to exercise separately the law and equity jurisdiction vested in said court."

Equity and law jurisdiction.

Approved, February 16, 1933.