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THE COURTS.

United States Circuit Court.

J. E McFarland vs. Henry M. Niblott: Ar. Miltenberger vs. James B. Wigginton, et als.—Both cases were decided by Judge Woods yesterday in favor of plaintiffs.

J. G. Rosenfield vs. Adams' Express Company.—This case was decided in favor of plaintiff, and damages to the amount of one cent awarded against defendant, and that the costs be divided between the two litigants.

Superior District Court.

Valcour C. Hough vs. New Orleans and Carrollton Railroad Company.—The plaintiff herein sues defendant for $5000 damages. The plaintiff was a driver in the employ of the New Orleans and Carrollton Railroad Company, and was discharged some time last summer.

He instituted suit for wages due him up to the time of his discharge in one of the justice courts. The company filed an answer, alleging and statir g that he was discharged for receiving fares and appropriating the same to his own use. Judgment was rendered in favor of plaintiff in the justice court, from which judgment the railroad company appealed. The case was tried in the Third District Court, and the judgment of the lower court affirmed.

The plaintiff then instituted suit in this court for damages as aforesaid, alleging that the said answer of the railroad company is grossly libelous, and by reason of the same he has been unable to obtain employment, etc. Wherefore this action.

After examining a number of witnesses, the court, judging that he had fully established his claim for damages, and that the railroad company had failed to prove the charges alleged by them, granted him $1000 damages, with costs of the suit.

Ansel Edwards vs. City of New Orleans.—A petition was filed yesterday by plaintiff, claiming $416 66 for salary as alternate recorder of the First District, city of New Orleans, for the months of April and May, 1871. He alleges that he was elected alternate recorder by the City Council May 20, 1870, and it became his duty to act as recorder in the absence, sickness, resignation, removal or death of the recorder of the district. He avers that the recorder, G. P. Houghton, resigned on the twenty-third of May, 1871; that under the law the office reverted to him, and that he stood ready at all times to discharge the duties thereof, and tendered his services to the Council.

Lacy & Butler vs. commissioners of the New Orleans park.—Plaintiffs sue defendants for $8000, counsel fees, for services professionally rendered in the suit of Samuel Friedlander against defendants, in the Eighth District Court.

Second District Court.

The successions of William C. Lee, Amelia Cohn, wife of L. Lucien Pesson, of Dominic Parodi, and of Widow Fortune St. Arnaud, have been opened in this court.

Fourth District Court.

Judge Lynch yesterday rendered the following decision:

Neely et als. vs. Airey & Co.—John G. Neely and Mrs. Jane M. Neely, who reside in Rodney, in the State of Mississippi, and are administering the estate of David S. Stacey, situated in the parish of Tensas, brought this action against the commercial firm of T. L. Airey & Co., of this city. The plaintiffs allege that on or about the eighth day of December, 1871, one A. N. Gould, of said parish, drew his certain draft or bill of exchange on his merchants, Garrard, Craig & Co., of New Orleans, for the sum of $1000, payable five days after sight to said Neely, acting in his capacity as executor of the estate aforesaid, and for valuable consideration; that Neely sent the draft to Airey & Co. for presentation and collection; that Airey & Co. undertook to collect the draft, but failed to present the same for payment and acceptance in due time, or to have it duly protested for non-acceptance and non-payment, and to give notice to the proper parties, whereby plaintiffs have lost their recourse against said Gould, the drawer of said draft. Judgment is prayed for against the members of the firm of Airey & Co. in solido, for the sum of $1000, with interest from December 26, 1871.

The answer is a general denial.

The signatures of A. N. Gould, the drawer, and of John G. Neely, the indorser, are proved. The draft was mailed to defendants on December 19, and reached them on the evening of the twenty-first of December. Airey & Co. on that evening or next morning presented the draft for acceptance and payment to Garrard, Craig & Co., who stated that the drawer had not funds in their hands sufficient to meet its payment; that they had advises of cotton having been shipped, and they had no doubt that the draft would be paid. The messenger of Airey & Co. called the next day and the draft was accepted verbally: a member of the firm of Garrard, Craig & Co. said that the cotton had been received and the draft would be paid at maturity. A memorandum was made on the draft by the party last named noting the twenty-first day of December as the date of its reception and the twenty ninth of December as the day of its maturity. The draft was presented for payment on the day of its maturity, and when presented the house of Garrard, Craig & Co. was found to have suspended payments, and payment was refused. The draft was not protested. On the thirtieth December Airey & Co. telegraphed to Neely that Garrard, Craig & Co. had declined to pay the draft. On the same day the draft was forwarded to Neely in a letter acquainting him with the particulars in regard to its dishonor. Both the telegram and letter were forwarded to Rodney, to which place the letters and mail matter of Neely were usually sent.

Theodore C. Sachse, a witness for plaintiffs, says that Stanley O. Thomas, one of the firm of Airey and Co., declared in his presence that said firm would lose $1000 in consequence of the failure of Garrard, Craig & Co.; that his firm held a draft on Garrard, Craig & Co., the presentation of which Airey & Co. had deferred from time to time as an accommodation to the former firm. Sachse does not, however, recollect whether Thomas mentioned the draft herein in controversy. Inge, a clerk of Sachse, testifies that he heard said Thomas say, about the first of January, 1872, on the occasion referred to by Sachse, that the firm of Airey & Co. "had gone up" for a thousand dollars, in consequence of the failure of Garrard, Craig & Co.; that Thomas said that he or his firm had repeatedly presented the Neely draft to Garrard, Craig & Co. for acceptance or payment, but the latter had put off acting upon it from time to time, and that Airey & Co. waited upon Garrard, Craig & Co., by way of an accommodation. This is denied by Mr. Thomas, who says it is not true that he ever made such statements to Sachse or Inge; that Sachse was then hostile to his firm for having refused to lend him $1000 which he had previously solicited; that Airey & Co. never granted any indulgence or delay to Garrard, Craig & Co., and never deferred the presentation of the draft. Neely says that he is carrying on this suit to protect himself as executor from liability in the premises.

In order to disprove the testimony of defendants in regard to the verbal acceptance of the draft by Garrard, Craig & Co., plaintiffs' counsel, after the argument of the defense, filed a motion for the reopening of the case, with a view to admit testimony that the draft sued on did not appear on the commercial books of Garrard, Craig & Co., or on the schedule of their liabilities filed in bankruptcy on the second of April, 1872. An affidavit attached to this motion sets forth that the foregoing information was discovered since the commencement of the trial. The court refused to reopen the case to admit the evidence, on the grounds that it was offered to late; that it was offered to contradict the testimony of Craig, one of plaintiffs' own witnesses, which could not be done under the law of evidence, and, besides, that it would not disprove the testimony going to show that Garrard, Craig & Co. had verbally accepted the draft in question.

Such are the facts established by the evidence in this case, and upon those facts the court is to determine whether the demand of the plaintiffs is tenable, or the defendants' want of responsibility is made out.

Plaintiffs contend that among the acts of omission which attach liability to their agents, Airey & Co., because of neglect or want of diligence, is the failure of the latter to cause the protest of the draft in suit. It is not indispensably necessary that demand of payment and notice be made and given by a notary. Any other person may make demand and give notice; the mode of proof only is different. Harrison vs. Bowen, 16 La., 282.

The statutes of February 14, 1824, and March 13, 1827, in relation to protests and notices of protest of bills of exchange, etc., were not intended to change the commercial law as it stood before, but to afford in aid of commerce a new, convenient and permanent means of proof. No one is bound to employ a notary to make demand of a note, or to give notice to an indorser. Lathrop vs. Lawson et al., 5 An., 238 By the commercial law it is not absolutely necessary that the demand of payment of a promissory note or inland bill of exchange should be made and the notice of non payment given by a notary. Any person competent to testify as a witness may do so, but the mode of proof is different in the two cases. The certificate of the notary is evidence of the demand and notice of protest, but when the demand is made or notice given by a private person, it must be strictly proved by the person making it, or by other competent testimony. Such demand has been proved in this case by the testimony of F. W. Carroll, who made the demand, and also by A. N. Craig, on whom the demand was made.

Have Airey & Co., as agents of Neely, neglected their duty in not presenting this draft for payment in due time? The evidence shows that they received it on the evening of the twenty-first of December, and presented it that evening or next day for payment, some eight days before its maturity, and also presented it promptly on the twenty-ninth of December, the day of its maturity and dishonor. On the thirtieth of December they telegraphed to their principal, Neely, the refusal to pay the draft, and on the same day they advised him by letter of the same circumstance, and in that letter they inclosed the draft. Airey & Co. have not, therefore, neglected their duty in the presentation of the draft, and the demand of payment, as well as in the notification which they gave to Neely of the refusal to pay the draft.

Was the firm of Airey & Co. obliged to give notice to Gould, the drawer of the draft, of the failure of Garrard, Craig & Co. to pay it when presented to them at maturity? I think not. When the defendants took the draft for collection they became the mandatories or agents of the plaintiffs only. There was no privity between them and Gould, their drawer; their responsibility was only to those who had employed them. They gave notice to the plaintiffs, their employers, by the earliest reasonable opportunity, as I have already shown, and that was sufficient.

Unless there be a clear usage of trade, it seems not to be a part of such agent's duty to give advice to third persons of the receipt, acceptance, or refusal of acceptance of a bill, although it was their duty to give such advice to their employers. Story on Agency, section 208.

Counsel for plaintiffs argue that there was no acceptance of the draft, because the name of the drawee was not written across the instrument; that, having been presented on the twentieth or twenty-first of December, and not accepted, the notice of non-payment forwarded to Neely on the thirtieth—nine or ten days thereafter—came too late. There was a verbal acceptance, even before maturity. An acceptance may be verbal, in the absence of any local statute to the contrary. Edwards on Bills and Promissory Notes, section 426. A parole promise to settle is good as an acceptance. Second Foster, 183. The notice of non-payment, after this verbal acceptance, could not have been given until such non-payment was ascertained on the thirtieth, the day of the maturity of the draft, and, being ascertained, it was forwarded to Neely on that day.

Gould was lessee of a plantation belonging to the succession of which Neeley was an executor; the draft was given for rent of that plantation. When the draft turned out to be worthless, owing to the insolvency of Garrard, Craig & Co., Neely had a privilege on the property of Gould found on the plantation, and might have enforced that privilege, and realized his rent. The acceptance by Neely of the draft was no novation of the original claim for rent. But whether plaintiffs may or may not still recover of Gould, I find no reasons sufficient to sustain their demand in this case. I can see no dereliction of duty on their part as agents of plaintiffs in this matter. The evidence shows that they used due diligence in endeavoring to collect the amount of the draft which gave rise to this suit, and their failure i- not to be attributed to any laches or carelessness on their part. Even if the statements of Sachse and Inge in regard to Stanley O. Thomas be true, if Mr. Thomas did say that his firm would lose $1000 in consequence of the failure of Garrard, Craig & Co., he was mistaken as to the responsibility of his firm in the premises. I am of opinion that that firm is not responsible for the amount of the draft, or for any part thereof.

Wherefore let the petition and demand of plaintiffs be dismissed with costs.

Sixth District Court.

The following is the decision of Judge Saucier in the case of Mrs. Sophia G. Quinn vs. Manhattan Insurance Company:

Plaintiff declares on a policy of insurance, dated New York, August 20, 1866, whereby defendants contracted, in consideration of the sum of $565 60, in hand paid, and of the annual premium of $565 60 to be paid on or before the twentieth day of August of every year, for nine years during the continuance of the policy, to insure the life of H. A. Schuerman, then the husband of plaintiff, for the sum of $10,000.

Schuerman died a violent death on August 26, 1868, and the question is whether the policy subsisted when he expired.

Plaintiff's counsel insist that the contract must be governed by the laws of this State, and not by those of the State of New York. My opinion is that it must be governed by the laws which the contracting parties have made for themselves, and the contest in this case is limited to them.

It appears from the policy that the third annual premium should have been paid on August 20, 1868, six days prior to the death of the insured; but the plaintiff contends that though the policy is dated August 20, 1866, it only became a binding contract on September 4, 1866, the day on which it was countersigned by the agent of the defendants in this city, and on which the first premium was paid; and that, therefore, the subsequent annual premiums were only due and exigible on the fourth of September of the succeeding years, during the continuance of the policy. This position is untenable. The contract fixes the date of August 20 as that on which, by its very terms, the premiums should become due each year thereafter. It is true that the policy states that the contract would be binding on the parties only from the day on which the policy should be countersigned by the agent of the company here, on which also the premium should be paid, but that fact can not be held to alter the date of the contract. The policy provides, on the contrary, that the date fixed in it should not be affected by the delay incident to its transmission from New York to this city, and on the countersignature of the agent and the payment of the premium. But the whole record teems with proof that there was no misunderstanding between the parties on this subject. Plaintiff, finding that defendants had discontinued their agency, remitted the second year's premium by express, on August 20, 1867. It was received by the defendants on August 26, and they warned plaintiff that hereafter the premium must reach them on or prior to August 20. The correspondence of Schuerman with the company as the third year's premium became due, leaves no doubt as to the understanding of plaintiff as to the date on which the premium was due. The premium was not paid, and on August 20, 1868, at noon, the policy lapsed. Judgment for plaintiffs.

Supreme Court.

The following is Judge Howell's dissenting opinion in the Gaines case:

Fuentes et al. vs. Gaines.—I am unable to concur in the opinion of a majority of this court on several important points in this case, two of which I think are fatal to plaintiffs' demand:

The action is one to revoke a will and render the probate thereof as null, and I can find no interest in the plaintiffs sufficient to authorize them to bring suit in the probate court. They do not allege themselves to be heirs of the testator, or in direct terms to have derived title to property from his estate through a forced heir or other person, and therefore they have no right of action.

But if they have such interest as will maintain the action of nullity of a testament, they must be held liable to the law of Louisiana fixing the prescription of such actions. Their allegation that they can not contest the validity of the will in the Circuit Court of the United States, where they say they are sued by the defendant for certain lands on account of the peculiar jurisdiction thereof, can not, in my opinion, change the rules of pleading, the relations of the parties and the laws relating thereto governing the rights of litigants so as to maintain them in the attitude of defendants using as a shield what in their suit they wield as a weapon of attack.

If the defendant had a right to sue them in the United States Circuit Court, common justice would accord to them there all the defenses to which they are justly and legally entitled. But if it be true that they can not show in that court as they allege, that the will or its probate is not valid as to them, it is their misfortune, for which the laws and the courts of Louisiana are not responsible, and we are not authorized, in my opinion, to bend the law to meet their case.

I think the action, if properly brought, is prescribed by five years under article 3542 (3507) of the Civil Code, and that the judgment of the lower court should be reversed and plaintiffs' suit be dismissed.

OFFICIAL.

Laws of the United States Passed at the Third Session of the Forty-Second Congress.

[GENERAL NATURE—No. 22.]

An act to abolish the franking privilege.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the franking privilege be, and the same hereby is, abolished from and after the first day of July, anno Domini eighteen hundred and seventy-three, and that thenceforth all official correspondence, of whatever nature, and other mailable matter sent from or addressed to any officer of the government or person now authorized to frank such matter, shall be chargeable with the same rates of postage as may be lawfully imposed upon like matter sent by or addressed to other persons; provided, that no compensation or allowance shall now or hereafter be made to Senators, members and delegates of the House of Representatives on account of postage.

Approved January 31, 1873.

[GENERAL NATURE—No. 23.]

An act to regulate the employment of engineer soldiers on extra duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the enlisted men of engineers in the army are hereby placed on the same footing with respect to compensation for extra duty service as the other enlisted men of the army, and that all laws or parts of laws in conflict with this provision be, and the same are hereby, repealed.

Approved February 1, 1873.

[GENERAL NATURE—No. 24.]

An act making an appropriation to defray the expenses of the American and British Claims Commission, 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 sum of one hundred and thirteen thousand five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to supply a deficiency in the appropriation for the fiscal year ending June thirty, eighteen hundred and seventy-three, to defray the expenses on the part of the United States of the mixed commission on American and British claims, appointed under the twelfth article of the treaty between the United States and Great Britain, signed May eighth, eighteen hundred and seventy-one.

SEC. 2. For payment of contractors for stone work, and other employes, on the postoffice and courthouse in New York city, five hundred thousand dollars.

Approved February 5, 1873.

[GENERAL NATURE—No. 25.]

An act to provide for the holding additional terms of the circuit court of the United States for the southern district of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That additional terms of the circuit court of the United States for the southern district of New York shall hereafter be held in each year, commencing as follows: On the second Wednesday of January, on the second Wednesday of March, on the second Wednesday of May, on the third Wednesday of June, on the second Wednesday of October, and on the second Wednesday of December. The holding of any of the above-mentioned terms shall not dispense with or affect the holding of any other term of the court at the same time, nor shall the pending of any other term of the court prevent the holding of any of the terms hereby appointed.

SEC. 2. That the terms hereby appointed shall be devoted exclusively to the trial and disposal of the criminal cases and matters arising and pending in said court. The terms of said court appointed by this act may be held by the circuit judge of the second judicial circuit and the district judges for the southern and eastern districts of New York, or any one of said three judges; and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district. All recognizances and bail bonds taken in criminal cases for an appearance at a circuit court in said district conditioned upon an appearance at the next one of the terms hereby appointed shall be valid, and grand and petit jurors shall be summoned to attend the said terms as now at other terms of the court.

Approved February 7, 1873.

[GENERAL NATURE—No. 26.]

An act to authorize the construction of eight steam vessels of war, 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 Secretary of the Navy be authorized to construct eight steam vessels of war, with auxiliary sail power, and of such class or classes as, in his judgment, will best subserve the demands of the service, each carrying six or more guns of large caliber; the hulls to be built of iron or wood, as the Secretary may determine; provided, that the aggregate tonnage of the whole number shall not exceed eight thousand tons, and that the cost of building the same shall not exceed three million two hundred thousand dollars; and provided, that four of said vessels shall be built, in whole or in part, in private yards, upon contract with the lowest responsible bidder therefor, upon public competition and proposals, due notice thereof being given by advertisement, upon models, specifications and drawings furnished by the Navy Department, and under its direction and supervision, if, upon full examination and consideration, the same shall be deemed practicable, by the Secretary of the Navy; or the hulls of any portion of said vessels may be built upon private contract in the government yards upon like proposals, models, specifications, drawings and supervision, and upon like examination and consideration, the government in either case furnishing such materials as may be deemed practicable by the Secretary of the Navy.

SEC. 2. That neither of said vessels shall be commenced until full and complete models, specifications, and drawings shall be made for its construction in all its parts. And after such models and drawings are approved by the proper authority, they shall not be changed in any respect when the cost will exceed one hundred dollars, except upon the recommendation of a board of survey composed of not less than five officers of the navy, and approved by the Secretary of the Navy; and if changes are thus made, the actual cost of and damage caused by such change shall be estimated by such board of survey; and the terms of the contract shall provide that the contractors shall be bound by the estimate of said board as to the amount of increased or diminished compensation they are to receive, if any, in consequence of any such changes.

Approved February 10, 1873.

[GENERAL NATURE—No. 27.]

An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mint of the United States is hereby established as a bureau of the Treasury Department, embracing in its organization and under its control all mints for the manufacture of coin, and all assay offices for the stamping of bars, which are now, or which may be hereafter, authorized by law. The chief officer of said bureau shall be denominated the Director of the Mint, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate.

SEC. 2. That the Director of the Mint shall have the general supervision of all mints and assay offices, and shall make an annual report to the Secretary of the Treasury of their operations, at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury shall require, and shall lay before him the annual estimates for their support. And the Secretary of the Treasury shall appoint the number of clerks, classified according to law, necessary to discharge the duties of said bureau.

SEC 3. That the officers of each mint shall be a superintendent, an assayer, a melter and refiner, and a coiner, and, for the mint at Philadelphia, an engraver, all to be appointed by the President of the United States, by and with the advice and consent of the Senate.

SEC. 4. That the superintendent of each mint shall have the control thereof, the superintendence of the officers and persons employed therein, and the supervision of the business thereof, subject to the approval of the Director of the Mint, to whom he shall make reports at such times and according to such forms as the Director of the Mint may prescribe, which shall exhibit in detail, and under appropriate heads, the deposits of bullion, the amount of gold, silver, and minor coinage, and the amount of unparted, standard and refined bars issued, and such other statistics and information as may be required. The superintendent of each mint shall also receive and safely keep, until legally withdrawn, all moneys or bullion which shall be for the use or the expenses of the mint. He shall receive all bullion brought to the mint for assay or coinage; shall be the keeper of all bullion or coin in the mint, except while the same is legally in the hands of other officers; and shall deliver all coins struck at the mint to the persons to whom they shall be legally payable. From the report of the assayer and the weight of the bullion, he shall compute the value of each deposit, and also the amount of the charges or deductions, if any, of all which he shall give a detailed memorandum to the depositor; and he shall also give at the same time, under his hand, a certificate of the net amount of the deposit, to be paid in coins or bars of the same species of bullion as that deposited, the correctness of which certificate shall be verified by the assayer, who shall countersign the same; and in all cases of transfer of coin or bullion, he shall give and receive vouchers, stating the amount and character of such coin or bullion. He shall keep and render, quarter-yearly, to the Director of the Mint, for the purpose of adjustment, according to such forms as may be prescribed by the Secretary of the Treasury, regular and faithful accounts of his transactions with the other officers of the mint and the depositors; and shall also render to him a monthly statement of the ordinary expenses of the mint or assay office under his charge. He shall also appoint all assistants, clerks (one of whom shall be designated "chief clerk,") and workmen employed under his superintendence; but no person shall be appointed to employment in the offices of the assayer, melter and refiner, coiner or engraver, except on the recommendation and nomination in writing of those officers respectively; and he shall forthwith report to the Director of the Mint the names of all persons appointed by him, the duties to be performed, the rate of compensation, the appropriation from which compensation is to be made, and the grounds of the appointment; and if the Director of the Mint shall disapprove the same, the appointment shall be vacated.

SEC. 5. That the assayer shall assay all metals and bullion, whenever such assays are required in the operations of the mint; he shall also make assays of coin or samples of bullion whenever required by the superintendent.

SEC. 6. That the melter and refiner shall execute all the operations which are necessary in order to form ingots of standard silver or gold, and alloys for minor coinage, suitable for the coiner, from the metals legally delivered to him for that purpose; and shall also execute all the operations which are necessary in order to form bars conformable in all respects to the law, from the gold and silver bullion delivered to him for that purpose. He shall keep a careful record of all transactions with the superintendent, noting the weight and character of the bullion; and shall be responsible for all bullion delivered to him until the same is returned to the superintendent and the proper vouchers obtained.

SEC. 7. That the coiner shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard gold and silver ingots, and alloys for minor coinage, legally delivered to him for that purpose; and shall be responsible for all bullion delivered to him, until the same is returned to the superintendent and the proper vouchers obtained.

SEC 8. That the engraver shall prepare from the original dies already authorized all the working dies required for use in the coinage of the several mints, and, when new coins or devices are authorized, shall, if required by the Director of the Mint, prepare the devices, models, moulds, and matrices, or original dies, for the same; but the Director of the Mint shall nevertheless have power, with the approval of the Secretary of the Treasury, to engage temporarily for this purpose the services of one or more artists distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the mint at Philadelphia.

SEC. 9. That whenever any officer of a mint or assay office shall be temporarily absent, on account of sickness or any other cause, it shall be lawful for the superintendent, with consent of said officer, to appoint some person attached to the mint to act in place of such officer during his absence; but all such appointments shall be forthwith reported to the Director of the Mint for his approval, and in all cases whatsoever the principal shall be responsible for the acts of his representative. In case of the temporary absence of the superintendent, the chief clerk shall act in his place; and in case of the temporary absence of the Director of the Mint, the Secretary of the Treasury may designate some one to act in his place.

SEC. 10. That every officer, assistant and clerk of the mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States, or judge of the superior court, or of some court of record of any State, faithfully and diligently to perform the duties thereof, in addition to other official oaths prescribed by law; which oaths, duly certified, shall be transmitted to the Secretary of the Treasury; and the superintendent of each mint may require such oath or affirmation from any of the employes of the mint.

SEC 11. That the superintendent, the assayer, the melter and refiner and the coiner of each mint, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, approved by the Secretary of the Treasury, in the sum of not less than ten nor more than fifty thousand dollars, with condition for the faithful and diligent performance of the duties of his office. Similar bonds may be required of the assistants and clerks, in such sums as the superintendent shall determine, with the approbation of the Director of the Mint; but the same shall not be construed to relieve the superintendent or other officers from liability to the United States for acts, omissions, or negligence of their subordinates or employes; provided, that the Secretary of the Treasury may, at his discretion, increase the bonds of the superintendent.

SEC. 12. That there shall be allowed to the Director of the Mint an annual salary of four thousand five hundred dollars, and actual necessary travelling expenses in visiting the different mints and assay offices, for which vouchers shall be rendered; to the superintendents of the mints at Philadelphia and San Francisco, each four thousand five hundred dollars; to the assayers, melters and refiners, and coiners of said mints, each three thousand dollars; to the engraver of the mint at Philadelphia, three thousand dollars; to the superintendent of the mint at Carson City, three thousand dollars; and to the assayer, to the melter and refiner, and to the coiner of the mint at Carson City, each two thousand five hundred dollars; to the assistants and clerks such annual salary shall be allowed as the Director of the Mint may determine, with the approbation of the Secretary of the Treasury; and to the workmen shall be allowed such wages, to be determined by the superintendent, as may be customary and reasonable according to their respective stations and occupations, and approved by the Director of the Mint; and the salaries provided for in this section, and the wages of the workmen permanently engaged, shall be payable in monthly installments.

SEC. 13. That the standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy; and the alloy of the silver coins shall be of copper, and the alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy.

SEC. 14. That the gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two-and-a-half dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two-and-a-half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half eagle, or five dollar piece, one hundred and twenty nine grains; of the eagle, or ten dollar piece, two hundred and fifty-eight grains; of the double eagle, or twenty dollar piece, five hundred and sixteen grains; which coins shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided in this act for the single piece, and, when reduced in weight, below said standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight; and any gold coin of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by its date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the government against fraudulent abrasion or other practices; and any gold coins in the treasury of the United States reduced in weight below this limit of abrasion shall be recoined.

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade dollar shall be four hundred and twenty grains troy; the weight of the half dollar shall be twelve grams (grammes) and one-half of a gram (gramme); the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

SEC. 16. That the minor coins of the United States shall be a five-cent piece, a three-cent piece, and a one-cent piece, and the alloy for the five and three cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel, and the alloy of the one-cent piece shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains, troy; of the three-cent piece, thirty grains; and of the one-cent piece, forty-eight grains; which coins shall be a legal tender, at their nominal value, for any amount not exceeding twenty-five cents in any one payment.

SEC. 17. That no coins, either of gold, silver or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards and weights herein set forth.

SEC. 18. That upon the coins of the United States there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five, three and one cent pieces the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar, the weight the and fineness of the coin shall be inscribed; and the Director of the Mint, with the approval of the Secretary of the Treasury, may cause the motto "In God we trust" to be inscribed upon such coins as shall admit of such motto; and any one of the foregoing inscriptions may be on the rim of the gold and silver coins.

SEC. 19. That at the option of the owner, gold or silver may be cast into bars of fine metal, or of standard fineness, or unparted, as he may prefer, with a stamp upon the same designating the weight and fineness, and with such devices impressed thereon as may be deemed expedient to prevent fraudulent imitation, and no such bars shall be issued of a less weight than five ounces.

SEC. 20. That any owner of gold bullion may deposit the same in any mint, to be formed into coin of bars for his benefit; but it shall be lawful to refuse any deposit of less value than one hundred dollars, or any bullion so base as to be unsuitable for the operations of the mint, and when gold and silver are combined, if either metal be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for its value.

SEC. 21. That any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of four hundred and twenty grains, troy, designated in this act as trade dollars, and no deposit of silver for other coinage shall be received; but silver bullion contained in gold deposits, and separated therefrom, may be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint.

SEC. 22. That when bullion is deposited in any of the mints, it shall be weighed by the superintendent, and, when practicable, in the presence of the depositor, to whom a receipt shall be given, which shall state the description and weight of the bullion; but when the bullion is in such a state as to require melting, or the removing of base metals, to fore its value can be ascertained, one weight, after such operation, shall be considered as the true weight of the bullion deposited. The fineness of the bullion to be received shall be determined by the assayer, and the mode of melting by the melter and refiner.

SEC 23 That from every parcel of bullion deposited for coinage or bars, the superintendent shall deliver to the assayer a sufficient portion for the purpose of being assayed, but all such bullion remaining from the operations of the assay shall be returned to the superintendent by the assayer.

SEC. 24. That the assayer shall report to the superintendent the quality or fineness of the bullion assayed by him, and such information as will enable him to compute the amount of the charges hereinafter provided for, to be made to the depositor.

SEC. 25. That the charge for converting standard gold bullion into coin shall be one-fifth of one per centum; and the charges for converting standard silver into trade dollars, for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and siver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

SEC. 26. That the assayer shall verify all calculations made by the superintendent of the value of deposits, and, if satisfied of the correctness thereof, shall countersign the certificate required to be given by the superintendent to the depositor.

SEC. 27. That in order to procure bullion for the silver coinage authorized by this act, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in the silver coinage and with the expense of distributing said coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the treasury of the United States.

SEC. 28. That silver coins other than the trade-dollar shall be paid out at the several mints, and at the assay office in New York city, in exchange for gold coins at par, in sums not less than one hundred dollars; and it shall be lawful, also, to transmit parcels of the same, from time to time, to the assistant treasurers, depositaries and other officers of the United States, under general regulations proposed by the Director of the Mint and approved by the Secretary of the Treasury; but nothing herein contained shall prevent the payment of silver coins, at their nominal value, for silver parted from gold, as provided in this act, or for change less than one dollar in settlement for gold deposits; provided, that for two years after the passage of this act, silver coins shall be paid at the mint in Philadelphia and the assay office in New York city for silver bullion purchased for coinage, under such regulations as may be prescribed by the Director of the Mint, and approved by the Secretary of the Treasury.

SEC. 29. That for the purchase of metal for the minor coinage authorized by this act, a sum not exceeding fifty thousand dollars in lawful money of the United States shall be transferred by the Secretary of the Treasury to the credit of the superintendent of the mint at Philadelphia, at which establishment only, until otherwise provided by law, such coinage shall be carried on. The superintendent, with the approval of the Director of the Mint as to price, terms and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins as hereinafter provided. The balance remaining to the credit of this fund, and any balance of profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the treasury of the United States.

SEC. 30. That the minor coins authorized by this act may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the mint, for transportation, and shall be exchangable at par at the mint in Philadelphia, at the discretion of the superintendent, for any other coins of copper, bronze, or copper-nickel heretofore authorized by law; and it shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise ordered by him.

SEC. 31. That parcels of bullion shall be from time to time transferred by the superintendent to the melter and refiner; a careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the melter and refiner, and the bullion thus placed in the hands of the melter and refiner shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of a quality suitable for coinage.

SEC. 32. That the ingots so prepared shall be assayed, and if they prove to be within the limits allowed for deviation from the standard, the assayer shall certify the fact to the superintendent, who shall thereupon receipt for the same, and transfer them to the coiner.

SEC. 33. That no ingots shall be used for coinage which differ from the legal standard more than the following proportions, namely: In gold ingots, one thousandth; in silver ingots, three thousandths; in minor coinage alloys, twenty-five thousandths, in the proportion of nickel.

SEC. 34. That the melter and refiner shall prepare all bars required for the payment of deposits; but the fineness thereof shall be ascertained and stamped thereon by the assayer; and the melter and refiner shall deliver such bars to the superintendent, who shall receipt for the same.

SEC. 35. That the superintendent shall, from time to time, deliver to the coiner ingots for the purpose of coinage; a careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the coiner; and the ingots thus placed in the hands of the coiner shall be subjected to the several processes necessary to make from them coins in all respects conformable to law.

SEC. 36. That in adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double eagle and the eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one-hundredth of an