

# PUBLIC ACTS OF THE FORTY-SECOND CONGRESS

OF THE

## UNITED STATES,

*Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Saturday, the fourth day of March, A. D. 1871, and was adjourned without day on Thursday the twentieth day of April, A. D. 1871.*

ULYSSES S. GRANT, President. SCHUYLER COLFAX, Vice-President and President of the Senate. HENRY B. ANTHONY was elected President of the Senate *pro tempore* on the seventeenth day of April, A. D. 1871, and so acted until the end of the session. JAMES G. BLAINE, Speaker of the House of Representatives.

CHAP. I. — *An Act to amend "An Act to establish the Smithsonian Institution for the Increase and Diffusion of Knowledge among Men," approved August 10, 1846.* March 20, 1871.  
1846, ch. 178.  
Vol. ix. p. 102.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August ten, eighteen hundred and forty-six, be, and the same is hereby, amended in section one of said act by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia," and that said act be further amended in section three by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia."

APPROVED, March 20, 1871.

CHAP. II. — *An Act relating to Moneys paid into the Courts of the United States.* March 24, 1871.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all moneys in the registry of any court of the United States, or in the hands or under the control of any officer of such court, which were received in any cause pending or adjudicated in such court, shall, within thirty days after the passage of this act, be deposited with the treasurer, an assistant treasurer, or a designated depository of the United States, in the name and to the credit of such court. And all such moneys which are hereafter paid into such courts or received by the officers thereof shall be forthwith deposited in like manner: *Provided,* That nothing herein shall be construed to prevent the delivery of any such money upon security, according to agreement of parties under the direction of the court.

SEC. 2. That no money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts respectively, in term or in vacation, to be signed by such judge or judges and to be entered and certified of record by the clerk, and every such order shall state the cause in or on account of which it is drawn.

Moneys paid into the courts of the United States, to be deposited, to the credit of such courts, with the treasurer, &c.;

may be delivered on security, by agreement of parties and sanction of court;

not to be withdrawn except upon the written order of the judge.

Order to state what.

Post-roads  
established in  
West Virginia.

From Huntington to Wayne Court House.  
From Miller's Ferry to Fayetteville.  
From Roncevert to Lewisburg.  
From Pruntytown to Meadland.  
APPROVED, March 3, 1873.

March 3, 1873.

CHAP. CCLVI. — *An Act to authorize the continued Employment of an Agent and Counsel of the United States.*

Present agent  
and counsel of  
the United  
States under the  
treaty with Great  
Britain may be  
continued, but  
not after, &c.

Post, pp. 867-869.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States, in his discretion, to continue the appointment and employment of the present agent and counsel of the United States, under articles twelve to seventeen, inclusive, of the treaty between the United States and Great Britain, concluded May eighth, eighteen hundred and seventy-one, and for said agent and counsel to act under such continued appointment and employment, notwithstanding the election of the said agent and counsel as a representative in the forty-third Congress: *Provided,* That such appointment and employment shall not continue after said agent and counsel shall have taken the oath of office as such representative.

APPROVED, March 3, 1873.

March 3, 1873.

1871, ch. 122.

Vol. xvi. p. 573.

Face value of  
bonds hereafter  
issued by the  
Texas and Pacific  
R. R. Co.  
may be in gold  
or lawful money.

Former mortgages  
legalized,  
if, &c.

CHAP. CCLVII. — *An Act supplemental to an Act entitled "An Act to incorporate the Texas Pacific Railroad Company, and to aid in the Construction of its Road, and for other Purposes," approved March third, eighteen hundred and seventy-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the face value of all bonds hereafter issued by the Texas and Pacific Railroad Company, under the provisions of an act approved March third, eighteen hundred and seventy-one, shall, at the option of the company, be either in gold, or other lawful money of the United States, bearing interest, at like option of the company, either in gold or other lawful money of the United States; and any mortgage heretofore executed by said company, securing bonds payable in any lawful money of the United States other than gold, and the bonds recited therein, and to secure which, said mortgage was given, are hereby legalized, and said mortgage and bonds shall have the same effect as though they had been authorized by the act to which this is a supplement. *Provided,* That in all other respects the requirements of that law in regard to such mortgage and bonds have been fully complied with

APPROVED, March 3, 1873.

March 3, 1873.

CHAP. CCLVIII. — *An Act for the Suppression of Trade in, and Circulation of, obscene Literature and Articles of immoral Use.*

Penalty for, in  
any place within  
the exclusive  
jurisdiction of  
the United States,  
selling or poss-  
essing obscene  
books, pictures,  
&c.;

or drugs, &c.,  
for preventing  
conception or  
causing abortion;  
or advertising  
or making the  
same.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever, within the District of Columbia or any of the Territories of the United States, or other place within the exclusive jurisdiction of the United States, shall sell, or lend, or give away, or in any manner exhibit, or shall offer to sell, or to lend, or to give away, or in any manner to exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession, for any such purpose or purposes, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertize the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or

by what means, any of the articles in this section hereinbefore mentioned, can be purchased or obtained, or shall manufacture, draw, or print, or in any wise make any of such articles, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any court of the United States having criminal jurisdiction in the District of Columbia, or in any Territory or place within the exclusive jurisdiction of the United States, where such misdemeanor shall have been committed; and on conviction thereof, he shall be imprisoned at hard labor in the penitentiary for not less than six months nor more than five years for each offense, or fined not less than one hundred dollars nor more than two thousand dollars, with costs of court.

Imprisonment and fine.

SEC. 2. That section one hundred and forty-eight of the act to revise, consolidate, and amend the statutes relating to the Post-office Department, approved June eighth, eighteen hundred and seventy-two, be amended to read as follows:

Amendment of 1872, ch. 335, §148. *Ante*, p. 302.

"SEC. 148. That no obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means either of the things before mentioned may be obtained or made, nor any letter upon the envelope of which, or postal-card upon which indecent or scurrilous epithets may be written or printed, shall be carried in the mail, and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, any of the hereinbefore-mentioned articles or things, or any notice, or paper containing any advertisement relating to the aforesaid articles or things, and any person who, in pursuance of any plan or scheme for disposing of any of the hereinbefore-mentioned articles or things, shall take, or cause to be taken, from the mail any such letter or package, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall, for every offense, be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both, in the discretion of the judge."

Obscene, &c., books, envelopes, postal-cards, &c., or articles designed to prevent conception, &c., not to be carried in the mails.

Penalty for knowingly depositing such articles in the mails.

SEC. 3. That all persons are prohibited from importing into the United States, from any foreign country, any of the hereinbefore-mentioned articles or things, except the drugs hereinbefore-mentioned when imported in bulk, and not put up for any of the purposes before mentioned; and all such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same under section five of this act.

Obscene books, &c., not to be imported;

to be detained if in course of importation.

SEC. 4. That whoever, being an officer, agent, or employee of the government of the United States, shall knowingly aid or abet any person engaged in any violation of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall, for every offense, be punished as provided in section two of this act.

Penalty upon officers, &c., of the government for knowingly aiding in the violation of this act.

SEC. 5. That any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of this act shall be made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in case of

The judge of any district or circuit court may issue warrant to search for and seize obscene books, &c., upon complaint and proof.

Section 148  
not repealed, and  
prosecutions under  
it not affected  
hereby.

municipal seizure, and with the same right of appeal or writ of error: *Provided*, That nothing in this section shall be construed as repealing the one hundred and forty-eighth section of the act of which this act is amendatory, or to affect any indictments heretofore found for offenses against the same, but the said indictments may be prosecuted to judgment as if this section had not been enacted.

APPROVED, March 3, 1873.

March 3, 1873. CHAP. CCLIX. — *An Act to establish a Board of local Inspectors of Steam-vessels for the Customs District of Michigan, in the State of Michigan.*

Local inspectors of steam-vessels in Michigan.

Pay of inspector of hulls and of boilers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be a local board of inspectors designated and appointed for the customs district of Michigan, in the State of Michigan, and the inspector of hulls and the inspector of boilers, composing the said board, shall receive a salary of nine hundred dollars a year each.

APPROVED, March 3, 1873.

March 3, 1873. CHAP. CCLX. — *An Act to amend an Act entitled "An Act to provide for the Redemption and Sale of Lands held by the United States under the several Acts levying direct Taxes, and for other Purposes."*

1872, ch. 337, § 6.  
*Ante*, p. 332.

Moneys from sales or leases of "school farm" lands and bonds purchased therewith to be turned over to the Secretary of the Treasury and invested, &c.  
1866, ch. 200, § 8.  
Vol. xiv. p. 175.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section six of an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June eighth, eighteen hundred and seventy-two, be amended so that it will read as follows:

Interest of such bonds, how to be expended by commissioners.

Appointment, &c., of commissioners.

Acts of direct-tax commissioners confirmed.

"SEC. 6. That all money derived from the sale of school-farm lands under the provisions of section eight of an act entitled 'An act to continue in force and to amend an act entitled "An act to establish a bureau for the relief of freedmen and refugees and for other purposes,"' approved July sixteenth, eighteen hundred and sixty-six; and all bonds purchased with the proceeds of such sales, and all moneys derived from the leases of said school-farm lands by the direct-tax commissioners for the district of South Carolina, under the instructions of President Lincoln, dated September sixteenth, eighteen hundred and sixty-three, shall be turned over to the Secretary of the Treasury by the officers of the government, in whose custody said money and bonds may be; and said moneys shall be by said Secretary invested in bonds of the United States, and with said aforementioned bonds shall be by him retained as a fund for the use and support of free public schools in the parishes of Saint Helena and Saint Luke, South Carolina, in equal parts, the interest of which shall annually be expended to increase the efficiency of any free public schools established and sustained in said parishes by authority of said State, if such school shall exist, otherwise at the discretion of the commissioners hereinafter named; and such expenditures shall be made under the direction and control of a special board of three commissioners, who shall be appointed by and act under the direction of the Secretary of the Treasury, and removable at his discretion, and shall be duly sworn that they will faithfully discharge their duties as such commissioners, and shall give such good and sufficient bonds therefor as said Secretary shall require, and who shall not receive more than one hundred dollars per year each for their services; also, that the acts of the direct-tax commissioners for the district of South Carolina, heretofore performed in accordance with the instructions of Abraham Lincoln, President of the United States of America, to the direct-tax commissioners for the district of South Carolina, dated September sixteenth, eighteen hundred and sixty-three, and the same are hereby, confirmed, so far as they relate to the renting of the school-farms, so called in the said parishes, and the disbursement of the proceeds thereof."