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CUSTOMS DUTIES.

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It is no objection that an agent of the importer makes him debtor for the goods in the invoice, as bought of the agent, if in fact the latter acted only as agent for the importer in the purchase.	1224
Purchasers of goods who were fully informed by the seller of the making and forwarding of false invoices, and who acquiesced therein, and availed themselves thereof, are estopped to say that they did not themselves perpetrate the unlawful act.	1237
Where such purchasers knew that the article would be invoiced to them as owners, and so presented for entry, and did not protest or inform the government officers, they are estopped to claim that they were not owners at the time of the entry.	1237

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The defense that goods were unladen by unavoidable accident, necessity, or distress is not admissible unless the requisite proofs thereof were made before the collector, or were prevented by inevitable accident, etc (Act March 2, 1799, c. 128, § 27.)	240
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Act March 2, 1799, making it penal to sell, alienate, or remove an empty cask which has contained foreign distilled spirits before the marks set thereon had been defaced, does not apply to a removal by a person who receives it after a purchase 69,	71
A person is not liable for the act of his clerk who purchased and removed to his store an empty cask, which had contained foreign distilled spirits, without removal of the marks thereon, where done without his knowledge or acquiescence.	65
Act April 20, 1818, requiring the deposit of distilled spirits in public warehouses, does not repeal Act March 2, 1799, requiring certain marks to be set upon casks containing foreign distilled spirits.	65
Bonding: Warehousing.	
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Original importers are liable on their warehouse bond where goods are withdrawn by their vendees without payment of the proper duties.	1272

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Under Act March 3, 1841, private bonded warehouses are public storehouses, and collectors are authorized to retain, as emoluments, money received for deposit of importations therein, under the same provisions applicable to public storehouses.	1078
Under Act July 14, 1832, § 5, a surety is liable on a duty bond, though the amount is less than \$200.	973
It is no defense to an action on a duty bond for goods deposited in a public storehouse in Savannah that the principal actually paid, under compulsion, the duties to the Confederate collector.	1006
Nor is it a defense that there was no United States collector to whom payment could be made during the three years within which the duties were to be paid by the terms of the bond.	1006
It is no defense to a bond for customs duties that it was given by the obligors, without knowledge of an alleged defense, arising from delay in demanding payment.	1121
The United States are entitled to judgment at the return term upon revenue bonds; and the court will, on motion, rule the marshal to return the writ on some day during the term. (Act March 2, 1799, § 65.)	615, 1223
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Where all the provisions of the state law have not been complied with, it is not a statutory, but a common-law, dedication; and the fee does not vest in the city.	461
Property specially dedicated to a particular purpose cannot be diverted therefrom by the state or municipality, except under the right of eminent domain.	461

Where the United States have made a common-law dedication of lands for a particular use they retain, as owners of the fee, an interest enabling them to sue in equity to prevent a diversion to other uses. 461

DISORDERLY HOUSES.

A house kept for the meeting of men and women for illegal and obscene purpose or for the purpose of enticing young girls there for debauchery, is a disorderly house. 17

The practice of selling spirituous liquors publicly to negroes assembled in considerable numbers, to be drunk in or about the house, on Sunday, is keeping a disorderly house. 971

The keeper of a room in which common gaming is carried on, for his gain and under his management, is guilty of keeping a disorderly house; and evidence of his keeping a faro bank therein may be given under an indictment therefor. 1252

Under an indictment for keeping a disorderly house and a bawdy house, the government cannot give evidence of the general reputation of the house or of defendants. (Overruling 17.) 666

On an indictment for keeping a house of ill fame, evidence may be given of the ill fame of its inhabitants, but the witness will, not be required to disclose their names. 1086

DISTRICT ATTORNEYS.

A district attorney is liable for money actually received, or money lost by his unwarrantable neglect; but he is not answerable for the default, inattention, or frauds of the marshal. 467

The discharge of public debtors by a district attorney before or after judgment is not of itself a ground of liability on his part to the government. 467

Allowance of costs to the district attorney is altogether in the jurisdiction of the judge, and not of the officers of the treasury. 467

Claims by a district attorney for a credit for costs not taxed, but taxable, is not admissible in an action against him unless it has been disallowed by the accounting officers. 467

A district attorney *held* entitled to fees for prosecuting a suit in the name of a debtor of the United States, and to whose rights the United States had succeeded. 467

The attorney is not entitled to fees for extra official services rendered to other subordinate governmental officers at their request, without requisition of an executive department, and not provided for by law or sustained by uniform usage. 467

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ELECTIONS AND VOTERS.	
The charter of the city of Washington of 1848 (section 5) does not require, as a qualification for voting, citizenship of the United States one year prior to the election.	1066
The act of 1848 added, to the qualifications of voters in the District of Columbia, the payment of a school tax.	1058
The assessors must register all white male residents of Washington City subject to a school tax, whether foreigners or not.	1006
After the registry list has passed from the register to the commissioners of election, the latter cannot be controlled by mandamus, their duties being judicial, and not ministerial.	1066
The evidence of qualification afforded by the registry is not exclusive; other testimony may be admitted, and, if all qualifications are proved, the person is entitled to vote.	1055
An indictment under Rev. St. § 5512, for fraudulent registration, charging that defendant, "having no lawful right to register, fraudulently and willfully did register," <i>held</i> bad in not pointing out the fraud, and stating facts showing that defendant was not entitled to register.	328
An averment that the accused was an alien, and had not been admitted to become a citizen of the United States, does not show that he had no right to register, or that he was not a citizen of the United States, or that he had no right to vote.	325
An allegation that a person claimed a right to vote at an election is not equivalent to an allegation that he was a qualified voter.	261

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An allegation that defendant offered a person a certain sum to vote is equivalent to an allegation that he counseled and advised him to vote.	260
An averment, in an indictment for bribing voters, that an election was held in a certain precinct on the day prescribed for holding such election, is sufficient; it being presumed that such election was legal.	630
An allegation that an election was held at East Portland precinct <i>held</i> equivalent to an averment that an election was held in such precinct.	630
Intrusting the keys of ballot boxes to a police patrolman, and opening the boxes in a different order than that prescribed by the state statute, <i>held</i> insufficient to authorize a conviction, under Rev. St. § 55, though there was a fraudulent substitution of ballots, where the inspectors were not shown to have been connected therewith.	236
EMBARGO AND NONINTER-COURSE.	
The report required of the master must state truly the voyage and the place whence the vessel last sailed; and the owner is considered as authorizing the master to make the report. Therefore, though he may controvert it, it is yet prima facie evidence	979
A forfeiture of the ship is incurred by her violation of the act, whether with or without the authority of the owner. The vessel speaks and acts by the master, and both she and her owner are bound by his acts.	979
The homeward bound cargo of a vessel which proceeds to a foreign port, in contravention of the act of 1808, is not liable to condemnation.	585
On a libel against the vessel herself, necessity arising from stress of weather is no defense.	585
A port conquered and occupied by the enemy <i>held</i> not a port of the United States, within the nonimportation acts.	240
A vessel having the president's permission to go to the West Indies for American property, condemned, with her cargo, for having on board other merchandise besides that authorized.	979
Goods of British growth, though not liable to duties, are prohibited from importation by Act March 1, 1809.	1166
An offense punishable by fine and imprisonment, under Act Jan. 9, 1809, was not saved from repeal by the saving clause in Act June 28, 1809, § 2.	1153
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Exportation of goods contrary to Act Jan. 9, 1809, § 1, is a misdemeanor, of which the circuit court has original cognizance; and it seems the prosecution may be by information.	1153
A libel of forfeiture under the acts of 1807 and 1808 need not set forth the particular character of the vessel, since vessels of all kinds are subject to forfeiture under the law.	979
The exception in the embargo laws exempting from its penalties foreign vessels in certain cases need not be negated in the libel.	979
The burden of proof of the vessel's being neutral in an information, under Act March 1, 1809, c. 91, and subsequent acts, rests on the claimant.	240
An embargo bond <i>held</i> void because of the insertion of stipulations not authorized by the statute.	1315
What constitutes a "peril of the sea" within the condition of an embargo bond.	84
In debt on an embargo bond, where it was claimed the vessel was driven by stress of weather to the Island of St. Thomas, <i>held</i> , that defendants must clear themselves of any imputation that the vessel was not seaworthy; but if sufficient cause, such as storms, were shown for her disability, the want of seaworthiness must be proved by the plaintiff.	1287
Where a collector died pending suit for the penalty of an embargo bond given to him, and his deputy continued to act until after judgment, <i>held</i> , that the deceased collector's right to share in the moiety given to the revenue officers was preserved, and the same did not go to his successor.	638
Construction of nonimportation acts of 1809, 1811, and 1814.	240
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One appointed under Act Jan. 18, 1837, as clerk to the treasurer of the mint, is not indictable, under those acts, for embezzling public moneys.	452
"Moneys," as used in Rev. St § 5209, for punishing embezzlement, etc., by officers of national banks, includes national bank bills.	621
An indictment under this section charging defendant with drawing bills of exchange, and assigning notes without authority, need not allege an intent to injure and defraud the association.	621
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The constitution gives congress authority to condemn lands situated in a state for use as a post-office site.	482
Act June 10, 1872, appropriating money for the “purchase, at private sale or by condemnation,” of a site for a post office at Cincinnati, recognized the previous act (March 12, 1872) as conferring power to condemn the lands, if necessary.	482
The legislature cannot take land, and give it to a corporation, even for a public purpose, and fix by statute the compensation. The compensation must be judicially ascertained.	461
The laying out of a highway at common law, and under the highway acts of Massachusetts, does not deprive the owner of the fee, but only subjects it to the easement.	185
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A state statute providing a mode of procedure for condemnation of land by the United States (Act Ohio Feb. 15, 1873) is made applicable to such proceedings in a federal court by Act June 1, 1872, adopting the practice, etc., of the state courts.	482
Under the Ohio statute, all persons interested in the land are made parties, and their rights adjudged, so that the taking of leased lands or lands in which interests are held by contract puts an end to all the rights and obligations between the contracting parties.	490

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Under the Ohio Statute (69 Laws, 88), separate trials are allowed as to separate parcels, but not as the separate interests therein; but the separate interests may be separately presented to the jury.	482
The measure of compensation, both under the constitution of the United States and the laws of Ohio, is the fair market value at the time of condemnation, not at forced sale, but at a sale by the owners themselves.	490
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If condemnation take place during a temporary depression due to stringency in the money market, it seems that the property may be valued as of a time immediately preceding such depression.	490
The rule giving damages for injury to part of the land not taken <i>held</i> inapplicable where property taken on one side of an alley was leased for use in connection with a livery stable on the opposite side.	490
Where leased property is condemned, the lessee is entitled to such part of the damages as his unexpired term is fairly worth above the amount of rent to be paid.	490
Where an interest was claimed under an informal lease, <i>held</i> , that the government might show a parol agreement that the same was only to be used to support a claim for compensation in case of condemnation.	490
A tenant for five years, who was refused a renewal because the property was likely to be taken for public use, but who was allowed to hold over, <i>held</i> not to have entered on a new term for five years, or even for one year, so as to be entitled to compensation for the unexpired time.	490
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On a libel of forfeiture under the embargo laws, the report, manifest, and affidavit of the master before the collector constitute one entire transaction, so as to be admissible in evidence. The entry of the ship is a separate matter, and not necessary to complete the transaction.	979
The manifest of the cargo filed in the customhouse is competent evidence on the question whether certain goods were imported without being entered on the manifest.	1273
A certificate of a survey of a vessel is not evidence of the facts stated in it; but if the surveyors, in a deposition, refer to the certificate as containing all they know, it is evidence.	1286
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In debt on an embargo bond, <i>held</i> , that the log book was admissible, having been identified by witness, though he did not recollect seeing the mate make regular entries in it; it also appearing that every exertion had been made to procure the attendance of the mate.	1287
In debt on an embargo bond, where it was alleged that the vessel was driven by stress of weather to the Island of St. Thomas, and there compelled by the authorities to sell her cargo, <i>held</i> that a certificate by the governor of the island, without	1287

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The mode of authentication, as prescribed by law of transcripts from the executive department, must be strictly pursued, to make them evidence against public debtors.	169
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Land may be sold under a later judgment without any impediment from an earlier one.	1231
A forthcoming bond which is forfeited is a satisfaction of the judgment on which the execution issued, and no further proceedings can be founded thereon.	14
Whether, under a judgment for the value of goods illegally imported, the debtor is liable to arrest on execution, depends on the local law. (Rev. St. § 990.)	1288
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Forty-eight hours is ordinarily a reasonable time to give a debtor arrested on execution to procure bond before committing him to prison.	406
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The postmaster general, in the discharge of those duties which are prescribed by law, is not lawfully subject to the control of the president.	702
The secretary of the navy has authority to order the fourth auditor to allow a credit to a naval paymaster for extra official service; and an allowance so made is equivalent to an allowance by the secretary himself.	815
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A creditor cannot maintain an action against the administrator of his debtor on his administration bond, before return of non est on a capias ad respondendum, or a fi. fa. returned nulla bona, or other apparent insolvency. 758

A general plea of plene administravit may be good where all the property has been exhausted in the regular course of administration; but, if exhausted in paying debts without notice of a debt having a legal priority, such fact should be specially pleaded. 329

EXTORTION.

An officer is not guilty of extortion in collecting greater fees than those allowed by law, unless he did so with knowledge that he was violating the law. 309

EXTRADITION.

Extradition proceedings do not, by their nature, secure immunity from prosecution for other offenses than that for which the prisoner was surrendered. 879

There is no provision conferring such immunity in the treaty with Great Britain of August 9, 1842, or in Act Aug. 12, 1848, or Act March 3, 1869. 879

An alleged agreement before extradition that the prisoner should not be tried for any other offense until he had opportunity to return to the country from which he was extradited does not affect the jurisdiction of the court to try him on a different charge. 879

The British extradition act of August 9, 1870 (33 & 34 Vict. c. 52), is not binding on the courts of the United States in respect to the construction of the treaty of 1842. 879

FALSE PRETENSES.

An indictment will not lie at common law for obtaining goods on credit upon the false pretense that the purchaser was master of a vessel and a man of property, and by exhibiting letters that the purchaser was captain of and interested in a certain vessel. 73

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In an indictment for making a false declaration as to the employment of a vessel in the cod fisheries, a variance in the description of the certificate required to be sworn to *held fatal*. 851

FORFEITURE.

See, also, "Customs Duties" "Informers" "Internal Revenue" "Practice in Admiralty" "Prize" "Shipping."

The forfeiture of a vessel or its value, under Rev. St. § 4143, does not vest either in the government absolutely, but only from the time it elects which to take. 91

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A judgment or a decree of condemnation does not vest the right of individuals, so as to secure them against the secretary's power of remission.	1336
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"Prosecution," as used in the act for the remission of penalties, includes all the proceedings in a suit, as well before as after judgment, including the execution.	1336

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OBSTRUCTING JUSTICE.

Act April 30, 1790, § 22, for the punishment of persons obstructing the execution of process, includes every species of process, legal and judicial, whether issued by the court in session, or by a judge or magistrate acting in his official capacity out of court.	1011
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OFFICE AND OFFICER.

See, also, “Army and Navy” Customs Duties “District Attorneys” “Extortion” “Guardian and Ward” “Internal Revenue” “Marshal” “Sheriffs and Constables.”

Under article 2 of the constitution, all offices under the federal government must be established by law, except where the constitution itself otherwise provides	1211
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Appointments to office can be made by heads of departments only in those cases which congress has authorized by law, and consequently, the appointment of an agent of fortifications, by the secretary of war, is irregular	1211
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An agent of fortifications is an officer whose office is established by law. (Act April 24, 1816, § 9; Act March 2, 1821, § 13.)	1211
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Executive federal officers are personally liable at law in the ordinary forms of action for illegal official, ministerial acts, or omissions, to the injury of an individual.	702
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A receiver of public moneys is entitled to 1 per cent on moneys received until the allowance amounts to \$2,500, though the same accrue within the first six months of the year	1048
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The commission should be paid quarterly as it arises, and payment cannot be refused by the treasury department because the whole amount accrues in the first two quarters.	1048
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No officer whose salary or emoluments are fixed by law and regulation is entitled to extra compensation for disbursements or other services.	587
The fact that an officer is irregularly appointed does not absolve him from the legal obligation to account for public money placed in his hands, in consequence of such appointment.	1211
An officer paying money of the United States to the Confederate States under compulsion, is not liable therefor, especially as the Confederate government was recognized as a belligerent by the United States.	412
An order issued by the secretary of the navy to an officer of the navy to apply a sum of money to expenses resulting from injuries incurred while on special duty cannot be controlled by the accounting officers of the treasury.	648
A public officer who receives money in advance for the contingencies of his office is a receiver of public money within the meaning of Act March 3. 1797.	908
An officer who has realized money on an execution in favor of the United States may retain it by way of set-off, for fees of his office due him from the United States.	1151
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If a public disbursing officer has lost his vouchers without fault, and has produced the best secondary evidence in his power, it is for the jury to find whether he has faithfully disbursed the moneys.	873
A transcript from the treasury books charging the balance of a former settlement is not per se evidence warranting a verdict for such balance.	873
After a credit has been given by the United States, and the account settled, they cannot open the account and revoke the credit, unless originally given by fraud, imposition, or mistake.	815
If the United States, suing on an account, introduce evidence of defendant's account current showing a balance in his favor, he plaintiff show errors or omissions turning the balance the other way.	815
From the fact that defendaut objected to certain items of debit, and was silent as to others, the jury ought to infer that he acquiesced in the latter, unless defendant show that he did not so intend.	815
An account duly authenticated from the treasury department is not per se evidence of a balance due on a former account, or of items transferred from the account of another person, or of items recharged.	815
Bonds.	

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Where an officer is required by his superior to give a bond with provisions and conditions not required by statute, the bond is void in too.	428
The bond of an agent irregularly appointment, but whose office is established by law, though void as a statutory obligation, is valid as a contract to perform the duties appertaining to such office.	1211
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The parties to an official bond for the sage-keeping or accounting for public money are not liable for a loss caused by the act of God or the public enemy.	428
The surety on a paymaster's bond is liable for the penalty named therein, and for interest thereon from the commencement of the suit to the entry of judgment.	1234
Sureties are not answerable for interest beyond the penalty of the bond, except such as accrued after notice of default of the principal.	322
Sureties on the bond of a receiver of public moneys are only bound for the paying of all moneys received after execution of the bond, and not for any previous shortage or defalcation.	973
A bond by a battalion quartermaster, conditioned "to expend faithfully all public moneys, and to account for all public property," requires an accounting, not with the quartermaster general, but the treasury department; and the obligation extends to moneys as well as property, and to expenditures made by the obligor while acting as a deputy of the quartermaster general.	917
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The sureties on a collector's bond are discharged where, without their knowledge, the proper officers of the treasury took bonds and mortgages on time to secure the payment of a balance due from him.	318
An assignment by a collector in trust to pay any judgment recovered on his official bond enables the United States, on recovering such judgment, to sue the trustees for an accounting.	405
But where the first act of the United States in affirmance of the trust is the filing of their bill for an account, the trustees are not liable for property previously disposed of with the consent of the assignor and sureties.	405

PARDON.

See, also, "Amnesty."

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Where a prisoner was sentenced to both fine and imprisonment, and the president, by a pardon, remitted the fine only, <i>held</i> , that he had no authority to thereupon order the prisoner's discharge.	1011
An unconditional pardon of one convicted of conspiracy removal the United States by the unlawful removal of destined spirits, without paying the taxes, bars a sunsequent civil suit to recover the penalty of double the amount of such tax.	1116
A pardon by the president, after condemnation, as to all the interest of the United States in the penalty incurred by a violation of the embargo laws, and directing discontinuance of all further proceedings on behalf of the United States, does not remit the interest of the customhouse officers in a moiety.	859
Quære, whether the president can pardon in such a case, so as to affect the interests of third parties.	859

PATENTS.

Suits for the penalty for affixing the word "Patented" to unpatented articles must be brought in the name of the informer, and not in the name of the United States. (Act Aug. 29, 1842, § 5.)	1321
To justify a judgment for the penalty, the declaration must allege, and the proofs show, that the article so marked was legally the subject of a patent.	1321
The penalty does not attach fur placing the word "Patent" on an article merely frivolous in itself, and which imports no novelty, or the exercise of any inventive talent, so that no one could be deceived.	1321

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PAYMENT.	
Where a higher security is given by the debtor, the law presumes, prima facie, that it is intended as an extinguishment of the debt; otherwise where the security is the bond of a third person.	1024
If a debtor of the government fail to make an application of payments, the government may do so. If both fail, the law will make the application, but it cannot do so to the prejudice of the rights of the debtor's sureties.	973
PENALTIES.	
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Specification of elements necessary to be proved to convict one of withholding pension money. (Rev. St. § 5485.)	384
The mere fact that a banker or other person agrees to collect a pension check does not make him an agent for the prosecution of a pension claim, within the meaning of said section.	384
One collecting an excessive fee for services in procuring a pension under Act July 4, 1862, is not subject to the penalty prescribed by Act July 4, 1864, § 13.	1162
PERJURY.	
False swearing is committed by knowingly swearing falsely to any material fact, and not merely by rash or reckless swearing.	1304
One falsely swearing that he was well acquainted with an applicant for naturalization before a state court is indictable for perjury, under Rev. St. § 5392	638
An indictment for perjury cannot be sustained under Act July 29, 1813, §§ 7, 9, granting bounties to vessels engaged in the fisheries, where the owner signs the certificate, and the agent swears to it.	758
An affidavit to the existence of a fact does not import that the affiant has personal knowledge thereof, unless it is so stated, or the fact be of such a character that he must have personal knowledge.	1304
Defective averments of the materiality of the matter alleged to be falsely sworn to do not vitiate the indictment, if such materiality sufficiently appear on its face.	1097
The falsity of the oath, taken under the revenue laws, on which perjury is assigned, may be shown by the books and papers of the defendant.	1225

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On an indictment for perjury, an affidavit of the defendant directly contradicting the one on which the perjury is assigned, is not sufficient evidence of the falsity of the latter.	1225
Alleged errors in instructions on a trial for perjury considered.	1097
PIRACY.	
The provisions of the law relating to piracy were not repealed by Act June 26, 1812 (2 Stat. 759)	653
The meaning of "robbery," as used in relation to acts declared piratical, is to be ascertained by reference to the common law.	653
In the act relating to piracy, the words "which if committed in the body of a county" do not relate to "murder" and "robbery," but to the words "or any other offense."	653
The rule that robbery on the high seas is piracy has no exception or qualification in favor of commissioned privateers.	653
To constitute the offense of running away with a vessel, it must appear that the command was taken from the master, and that the act was done feloniously, and with intent to convert the vessel and cargo or either of them to the use of the persons concerned in the act.	207
A commission from a government whose independence has not been recognized may be given as evidence, merely as a paper found on board, but not to justify acts done under it.	440
The captain of a privateersman may be guilty of robbery, while the seamen who execute his orders are innocent.	659
Where seamen on a privateer were tried for piracy committed in conjunction with their officers, <i>held</i> , that proof of acts of robbery generally by officers and crew was insufficient, and that defendant must be shown to have participated feloniously in the taking.	659
If the seamen participated in taking property from a Spanish ship, it must be shown that they knew or might have known that robbery, and not capture as prize, was contemplated.	659
Sections 10 and 11, Act April 30, 1790, as to accessories, refer to the piracy mentioned in section 8, which includes only crimes committed by American citizens, or on board American vessels.	390
A confederacy by American citizens on land or on board an American vessel, with pirates, under the laws of nations, or the yielding up of a vessel by a citizen to such pirates, is punishable, under section 8, Act April 30, 1790.	390

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So, also, is an endeavor by a mariner to corrupt the master of the vessel and induce him to go over to such pirates.	390
The language of section 12 implies contract and association with the pirates as well in relation to the past as to the future.	390
Other evidence of ownership of the ship and cargo may be admitted, besides the register and bills of sale, and the invoice, bills, of lading, etc.	653
PLEADING AT LAW.	
When the record set forth in the declaration is not the foundation of the action, but only matter of conveyance or inducement, nul tiel record is not a good plea, for it does not answer the whole count.	977
When the record is shown forth in the declaration, defendant may deny the operation thereof.	977
A plea negating a breach assigned in its very words is good on a general demurrer.	94
A departure takes place when a second plea contains matter not pursuant to the former, and does not fortify the same, except that, if matter be pleaded which could not have been shown in the former plea, such new matter will probably not always be a departure.	1336
A replication to a plea of payment in an action on a bond for the payment of only, that the sum paid was not accepted in satisfaction, was not paid on the day appointed, and the damages and interest due for nonpayment were not paid, <i>held</i> bad for duplicity.	58

POSSESSION, WRIT OF.

If adverse possession be held, the officer is first to turn out the occupant, and take possession in the name of the law, and afterwards deliver it to the plaintiff. It is not necessary that the vacant possession be immediately delivered. 1008

POST OFFICE.

See, also, "Embezzlement."

Post routes and roads, and private letter carrying.

"Post routes," which the postmaster general is authorized by Act March 3, 1851, § 10, to establish within cities and towns, are not the same as "post roads," in the act of 1827. 803

An order of the postmaster general declaring the streets of a city to be post roads does not make them so, within the act of 1827, or render the business of private letter carries therein unlawful. 803

Act March 2, 1827, § 3, and Act March 3, 1845, § 9, prohibit the business of private letter carriers on mail routes, but not within the limites of a post town. 803

The setting up of a post by railroad or steamboat service is not setting up a foot-post, within Act 1827, § 3. 782

An expressman conveying letters in an express car is punishable under Act 1825, c. 275. 18

The proprietor of a post road is not liable for the penalty (Act March 3, 1825, § 19), where letters are carried over his line by a passenger without his knowledge 75, 782

Where the owner of the line is not liable under section 19, no penalty is incurred, under section 24, by the person who sends such letters 75, 782

The owner of the line is liable where, by public advertisement, he has notice of the fact that certain persons or agents are thus sending letters; and in such case the persons employing the agents are liable, under section 24. 75

Officers.

Where, under a rule of the department, an accounting is required before a new bond of an officer is accepted, *held*, that the sureties on the old bond were liable where the officer resigned two days after the approval of the new bond, and before an accounting. 238

No surrender of the property of the post-office department to the government of the Confederate States, under any other than the coercion of armed force, will excuse a, postmaster from liability on his bond. 1349

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The sureties on the bond of a deputy postmaster, which stipulates that the principal shall faithfully account for postage stamps received, are liable as upon a contract at common law.	1194
Act March 3, 1851, § 3, authorizes the postmaster general to deliver postage stamps to a deputy postmaster without prepayment; the intent being to require prepayment of persons not deputy postmasters.	1194
Under this act, the sureties on the bond of a deputy postmaster are liable for postage stamps received by him.	1194
Balances due from postmasters may be extinguished by subsequent payments, so that, when the account is continued through a series of years, the postmaster's sureties will remain liable for a deficiency in his last quarterly account, until two years thereafter. (Act March 3, 1825. §§ 3, 31.)	764
Offenses, generally.	
Offenses under the post-office law are not felonies, but misdemeanors; and less nicety, in the form of the indictment is required than in cases of felonies in England.	854
—Unmailable matter.	
A publisher knowingly depositing in the mails a newspaper containing a quack medical advertisement of how and where to procure articles of abortion, etc., is guilty of a violation of Rev. St. § 3893.	695
In such case it is not necessary that, the advertisement indicate, or the indictment allege, any particular article or thing, or its properties.	695
The statute refers to the place where such articles can be "obtained or made." <i>Held</i> , that an indictment using "obtained and made" was good, and proof of either sufficient.	695
The mere writing of a name on a newspaper is not within the prohibition of the post-office act.	6
—Obstructing the mails.	
The offense of obstructing the mail, under Rev. St. § 3995, is not committed unless the mail is in transitu, and the horse or vehicle taken is employed in carrying the mail.	1069
Elements of the offense of obstructing the mails stated in a charge to the jury.	877
A mail carrier driving through a crowded city at such a rate as to endanger the lives of the inhabitants may be arrested by a constable without a warrant.	193
A warrant in a civil suit against a mail carrier is no justification to the officer executing it, on an indictment for obstructing the mail.	206
—Robbery: Theft: Embezzlement.	

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The offense of robbing the mail is a capital crime if effected by the use of dangerous weapons.	148
To constitute a post office under Act March 3, 1825, § 22, there need not be a building or room set apart. The post office may be a desk, trunk, or box, carried from one house or building to another.	1167
The place of deposit of the mailable matter would, in such case, constitute the post office, so that taking anything therefrom would be within Act March 3, 1825, § 22.	1167
A post-office clerk who steals a letter or package from the post office is punishable under Act March 3, 1825, § 22.	1167, 1168
It is an offense under Act March 3, 1825, § 45, to receive or buy an article knowing it to have been stolen from the mail.	694
To show that the article has been stolen, the conviction of the persons who stole it is sufficient if the article be identified.	694
In an indictment against a post-office clerk for embezzling a letter containing a bank note, the letter being described as directed to a person other than defendant, it is unnecessary to allege that the letter or note was the property of any one.	892
Description of the letter as directed to A. B. is sufficient where it is inclosed in an envelope directed to A. B.	892
The indictment need not allege that the clerk obtained the letter by virtue of his employment; it is enough that, being a clerk, he has obtained possession of the letter.	892
It is not necessary to set out the places from and to which the letter was to be carried by post.	892
An indictment for abstracting a letter containing bank notes is good if it alleges that the letter was put into the post office to be conveyed by post, and was being so conveyed, and came into defendant's possession, as driver of the mail stage.	1183

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Where a postmaster is indicted for embezzling a letter, it is enough to allege that the letter came into his hands, without showing where it was mailed, and by what route it was conveyed.	854
It is unnecessary to particularly describe the letter, or the bank notes therein, which a postmaster is charged with embezzling; but, if either be described, they must be proved as laid.	854
An indictment under Rev. St. § 5467, against a letter carrier, for embezzling a letter, is not defective, though it does not aver that the letter was not delivered to the addressee.	610
POWERS.	
See, also, "Forfeiture."	
A defendant cannot be permitted to take advantage of an irregularity in procedure to which he himself is a party.	982
In cases of default, proclamation to appear should be made, and a decree entered for default and contumacy; and on reading the libel and proceedings thereon, with or without proof, as the court may direct such a decree will be made as the case may require.	1290
In a case of seizure for violation of the steamboat inspection law, the court, in case of default, will exercise a discretion, according to Rev. St. § 923, whether to require proofs or not.	1290
On a libel of forfeiture (Act 1813, § 6) for violation of the law relating to fishing bounties, in cases of default there must be some hearing before decree of forfeiture.	976
This may be by merely examining the libel and the return of the marshal, with evidence that the owners had actual notice, and willfully made default, with knowledge of the material facts.	976
On a suggestion that the owners were unable to give security for costs, <i>held</i> , that an affidavit of ownership, inability, and merits would be exacted, before the government would be required to make further proofs.	976
When property seized for forfeiture is brought into admiralty for adjudication, it is in the custody of the court, and cannot be withdrawn but by some person who shall establish title to receive it.	832
The equity rule requiring two witnesses, or one witness and corroborating circumstances, to overcome the denial in the answer, is not recognized in admiralty.	1200
An order by a district judge for the release of a vessel libeled for breach of the embargo laws is as valid when made at chambers as if made in open court.	982

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Where a vessel seized for forfeiture is sold pending the prosecution, to avoid expenses of keeping, and the libel is subsequently dismissed, the proceeds will be delivered to the claimant, free of all costs. 976

PRESIDENT.

See, also, "Executive Department"

The president's power of controlling an officer is limited to those functions which, by law are to be exercised by the will of the president, and in which his order would be a justification. 702

PRINCIPAL AND AGENT.

An agent cannot renounce his agency at pleasure, without notice or good cause, except on condition of indemnifying his principal for any loss sustained thereby. 587

Where an agent has in good faith entered into engagements or incurred liabilities before notice of revocation of his powers, the principal is bound to indemnify him. 587

The principles of natural equity governing the relation of principal and agent to each other apply in the case of government agencies. 587

The answer in chancery of an agent is not evidence against his principal; neither are his admissions in pais, unless they are a part of the *res gestæ*. 1186

PRINCIPAL AND SURETY.

See, also. "Bonds"; "Customs Duties"; "Internal Revenue"; "Office and Officer"; "Post Office"; "Sheriffs and Constables."

The surety is discharged where the creditor, without his knowledge, takes from the principal bonds on time to secure payment of the sum due, though the arrangement operated to his benefit. 318

Giving time by the United States to the principal in a duty bond, before breach, without consent of the surety, discharges the latter. 394

Separate suits may be brought against joint parties to different instruments, given as collateral security for the same debt. 403

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A vessel approaching an effectively blockaded port, with intent to violate the blockade, is not entitled to be warned off. 226

Every resident of a hostile place or country is regarded in an admiralty court as a citizen or subject, and his property is condemned as that of an enemy without his being heard. 547

The property of a neutral who participates with an enemy in any undertaking or device to violate a blockade must share a common fate with that of the enemies themselves. 226

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A homesteader who has paid the entry fee and made affidavit as required by law, has no right to cut and sell timber, merely for purpose of traffic and sale alone. 1086

Act March 3, 1863, granting lands to Kansas to aid railroads, did not pass title to lands reserved to the Osage Indians by the treaties of June 2, 1825, and January 21, 1867. 901, 1275

The commissioner of the general land office may order a further examination, on the ground that the return of a survey made by the surveyor general of California represented the tract as containing more than the quantity sold and confirmed. 202

The United States may sue in equity in their own name in the circuit court to set aside a patent issued without authority of law. 901

In trespass for digging and carrying away lead ore from lands of the United States, plaintiffs are not entitled to recover, as damages, the value of the ore after it is dug. The injury to the soil is the gist of the action, and the ore must be considered in aggravation of the damages. 1138

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RAILROAD COMPANIES.

See, also, "Public Lands."

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