

17. Same; presumption.—Any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

When any naturalized citizen shall have resided for two years in the foreign State from which he came, or for five years in any other foreign State it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said year. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe. Duplicates of any evidence, registration, or other acts required by this section shall be filed with the Department of State for record. (Mar. 2, 1907, c. 2531, §§ 2, 7, 34 Stat. 1220.)

18. Repatriation of expatriated citizens.—Any person who, while a citizen of the United States and during the World War in Europe, entered the military or naval service of any country at war with a country against whom the United States declared war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization. (June 29, 1906, c. 3592, § 4, 34 Stat. 596; June 25, 1910, c. 401, § 3, 36 Stat. 830; May 9, 1918, c. 69, §§ 1-3, 40 Stat. 512-518.)

Chapter 2.—ELECTIVE FRANCHISE.

Sec.

31. Race, color, or previous condition not to affect right to vote.
32. Interference with freedom of elections.

Section 31. Race, color, or previous condition not to affect right to vote.—All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. (R. S. § 2004.)

32. Interference with freedom of elections.—No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (R. S. § 2003.)

Chapter 3.—CIVIL RIGHTS.

Sec.

41. Equal rights under the law.
42. Property rights of citizens.
43. Civil action for deprivation of rights.
44. Exclusion of jurors on account of race or color.
45. Same; jurisdiction of prosecutions.
46. Same; review of proceedings.
47. (1) Conspiracies; preventing officer from performing duties. (2) Same; to intimidate party, witness or juror, or obstruct justice. (3) Same; to deprive citizen of rights or privileges.
48. Same; action for neglect to prevent.
49. Prosecution of violation of certain laws.
50. Commissioners; appointment of persons to execute warrants.
51. Marshal; to obey precepts; refusing to receive or execute process.
52. Fees; certain officers.

Sec.

53. Same; persons appointed to execute process.
54. Speedy trial.
55. Aid of military and naval forces.
56. Peonage abolished.

Section 41. Equal rights under the law.—All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R. S. § 1977.)

42. Property rights of citizens.—All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R. S. § 1978.)

43. Civil action for deprivation of rights.—Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.)

44. Exclusion of jurors on account of race or color.—No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$5,000. (Mar. 1, 1875, c. 114, § 4, 18 Stat. 336.)

45. Same; jurisdiction of prosecutions.—The district courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of the preceding section. The district attorneys, marshals, and deputy marshals of the United States, and United States commissioners with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of the preceding section, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or Territorial court, as by law has cognizance of the offense, and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases. Nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of \$500 to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than \$1,000 nor more than \$5,000. Judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively. (Mar. 1, 1875, c. 114, § 3, 18 Stat. 336.)

46. Same; review of proceedings.—All cases arising under the provisions of section 41 of this title in the courts of the United States shall be reviewable by the Supreme Court of the

United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875, c. 114, § 5, 18 Stat. 337.)

47. (1) Conspiracies; preventing officer from performing duties.—If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Same; to intimidate party, witness or juror, or obstruct justice.—If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Same; to deprive citizen of rights or privileges.—If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R. S. § 1980.)

48. Same; action for neglect to prevent.—Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such

wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R. S. § 1981.)

49. Prosecution of violation of certain laws.—The district attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of chapter 3 of Title 18, or of sections 246, 428, 443 to 445 of said Title 18, or of section 51 of this title, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (R. S. § 1982.)

50. Commissioners; appointment of persons to execute warrants.—The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R. S. §§ 1983, 1984.)

51. Marshal; to obey precepts; refusing to receive or execute process.—Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of the preceding section. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of \$1,000, for the benefit of the party aggrieved thereby. (R. S. §§ 1985, 5517.)

52. Fees; certain officers.—The district attorneys, marshals, their deputies, and the clerks of the courts of the United States and territorial courts shall be authorized to charge and collect, in cases under the foregoing sections the same fees as they are allowed to charge and collect for like services in other cases; and where the proceedings are before a commissioner he shall be entitled to a fee of \$10 for his services in each case, inclusive of all services incident to the arrest and examination. (R. S. § 1986; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 40, 41 Stat. 1099.)

53. Same; persons appointed to execute process.—Every person appointed to execute process under section 50 of this title shall be entitled to a fee of \$5 for each party he may arrest and take before any commissioner, with such other fees, as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R. S. § 1987.)

54. Speedy trial.—Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of chapter 3 of Title 18, or of sections 210, 428, 443 to 445 of said Title 18, or of section 51 of this title, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R. S. § 1988.)

55. Aid of military and naval forces.—It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding sections, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title. (R. S. § 1989.)

56. Peonage abolished.—The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void. (R. S. § 1990.)

Chapter 4.—FREEDMEN.

Sec.

- 61. Laws continued in force.
- 62. Laws enforced by Secretary of War.
- 63. Claims for pay or bounty; payment.
- 64. Retained bounty fund; application for payments.
- 65. Who deemed wife and children of colored soldiers.

Section 61. Laws continued in force.—All laws and parts of laws pertaining to the collection and payment of bounty, prize money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress. (R. S. § 2032.)

62. Laws enforced by Secretary of War.—The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary. (R. S. § 2033.)

63. Claims for pay or bounty; payment.—All sums due upon certificates issued, or which may be issued in settlement of claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors, or marines, or their legal representa-

tives, shall be paid in the same manner as similar claims are paid to white soldiers, sailors, and marines, but no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, not until the identity of such claimant or representative as the case may be, shall have been duly established. If an agent or attorney be employed, the allowance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by joint resolution July 26, 1866, Numbered 86, section 2, Fourteenth Statutes, page 368, and no power of attorney, transfer or assignment of the amount of such claims, or any part thereof, shall in any case be recognized. (Mar. 3, 1870, c. 182, § 2, 20 Stat. 102; Feb. 1, 1888, c. 4, § 1, 25 Stat. 9.)

64. Retained bounty fund; application for payments.—The unexpended balance of the retained fund in the custody of the Freedmen's Bureau prior to July 1, 1902, is covered into the Treasury as "Miscellaneous receipts." Upon application by parties entitled to any portion of the money so covered in, the Secretary of the Treasury is authorized and directed to pay the amount found due in the same manner and from the same appropriation as claims for bounty to volunteer soldiers are now paid. (July 1, 1902, c. 1351, 32 Stat. 556.)

65. Who deemed wife and children of colored soldiers.—In determining who is the wife or child of any colored soldier, within the meaning of this chapter, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this chapter, whether such marriage was or was not dissolved at the time of the enlistment. (R. S. § 2037.)

Chapter 5.—ALIEN OWNERSHIP OF LAND.

Sec.

- 71. Acquisition or ownership of land in Territories by aliens.
- 72. Same; lands previously acquired.
- 73. Same; acquisition by inheritance or in collection of debts.
- 74. Same; conveyance by aliens before escheat proceedings.
- 75. Same; escheat proceedings.
- 76. Same; condemnation and sale of lands.
- 77. Same; public lands.
- 78. Same; real estate in District of Columbia.
- 79. Same; real estate in District of Columbia; treaties.
- 80. Same; real estate in District of Columbia; alien owned corporations.
- 81. Same; real estate in District of Columbia; forfeiture of property.
- 82. Same; real estate in District of Columbia; foreign legations.
- 83. Public lands in Hawaii; right to acquire in general.
- 84. Same; conveyance or other transfer to alien.
- 85. Same; preference right to purchase land to persons declaring intention to become citizens.
- 86. Same; sale of agricultural land to persons declaring intention to become citizens.

Section 71. Acquisition or ownership of land in Territories by aliens.—No alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer. (Mar. 2, 1897, c. 303, § 1, 29 Stat. 618.)