

CHAP. XXII. — *An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes.* April 20, 1871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April, eighteen hundred and sixty-six, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication"; and the other remedial laws of the United States which are in their nature applicable in such cases.

SEC. 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to levy war against the United States, or to oppose by force the authority of the government of the United States, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, or by force, intimidation, or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, or from discharging the duties thereof, or by force, intimidation, or threat to induce any officer of the United States to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or to injure his person while engaged in the lawful discharge of the duties of his office, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duty, or by force, intimidation, or threat to deter any party or witness in any court of the United States from attending such court, or from testifying in any matter pending in such court fully, freely, and truthfully, or to injure any such party or witness in his person or property on account of his having so attended or testified, or by force, intimidation, or threat to influence the verdict, presentment, or indictment, of any juror or grand juror in any court of the United States, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose, either directly or indirectly, of depriving any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons within such State the equal protection of the laws, or shall conspire together for the purpose of in any manner impeding, hindering, obstructing, or defeating the due course of justice in any State or Territory, with intent to deny to any citizen of the United States the due and equal protection of the laws, or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of the laws, or by force, intimidation, or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in a lawful

Any person under color of any law, &c. of any State, depriving another of any right, &c. secured by the Constitution of the United States, made liable to the party injured.

Proceedings to be in the courts of the United States.

1866, ch. 81. Vol. xiv. p. 27.

Penalty for conspiring by force to put down the government of the United States, &c.;

or to hinder the execution of any law of the United States;

or to seize any property of the United States;

or to prevent any person from holding office, &c. under the United States;

or to induce any officer to leave the State, &c.;

or to injure him in person or property while doing, or to prevent his doing, his duty;

or to prevent any party or witness from attending court or testifying therein;

or to injure him for so attending or testifying;

or to influence the conduct of any juror;

or to injure any juror on account of his acts, &c.

Penalty for conspiring or going in disguise upon the public highway, &c. to deprive any person or class of equal rights, &c. under the laws;

or to prevent the State authorities from protecting all in their equal rights.

Penalty for conspiring to obstruct, &c. the

due course of justice, &c. in any State with intent to deny to any citizen his equal rights under the law;

or, by force, &c. to prevent any citizen entitled to vote from advocating in a lawful manner the election of any person, as, &c.

Courts.

Punishment.

Any conspirator doing, &c. any act in furtherance of the object of the conspiracy, and thereby injuring another, to be liable in damage therefor.

Proceedings to be in courts of the United States.

1866, ch. 81.

Vol. xiv. p. 27.

What to be deemed a denial by any State to any class of its people of their equal protection under the laws.

When the due execution of the laws, &c. is obstructed by violence, &c. the President shall do what he may deem necessary to suppress such violence, &c.

Persons arrested to be delivered to the marshal.

What unlawful combinations to be deemed a rebellion against the government of the United States.

manner towards or in favor of the election of any lawfully qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any such citizen in his person or property on account of such support or advocacy, each and every person so offending shall be deemed guilty of a high crime, and, upon conviction thereof in any district or circuit court of the United States or district or supreme court of any Territory of the United States having jurisdiction of similar offences, shall be punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such fine and imprisonment as the court shall determine. And if any one or more persons engaged in any such conspiracy shall do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby any person shall be injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the person so injured or deprived of such rights and privileges may have and maintain an action for the recovery of damages occasioned by such injury or deprivation of rights and privileges against any one or more of the persons engaged in such conspiracy, such action to be prosecuted in the proper district or circuit court of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts under the provisions of the act of April ninth, eighteen hundred and sixty-six, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication."

SEC. 3. That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by this act, and the constituted authorities of such State shall either be unable to protect, or shall, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy shall oppose or obstruct the laws of the United States or the due execution thereof, or impede or obstruct the due course of justice under the same, it shall be lawful for the President, and it shall be his duty to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district, to be dealt with according to law.

SEC. 4. That whenever in any State, or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of, such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the government of the United

States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of habeas corpus, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to habeas corpus, and regulating judicial proceedings in certain cases," approved March third, eighteen hundred and sixty-three, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further*, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also*, That the provisions of this section shall not be in force after the end of the next regular session of Congress.

During such rebellion, and within certain limits, the President may suspend the writ of habeas corpus. Provisions of act 1868, ch. 81, § 2, Vol. xii. p. 768, made applicable hereto.

Proclamation to be first made, &c. Vol. i. p. 424. Vol. xii. p. 232. See pp 949-954.

This section not to be in force after, &c.

Sec. 5. That no person shall be a grand or petit juror in any court of the United States upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of this act who shall, in the judgment of the court, be in complicity with any such combination or conspiracy; and every such juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath in open court that he has never, directly or indirectly, counselled, advised, or voluntarily aided any such combination or conspiracy; and each and every person who shall take this oath, and shall therein swear falsely, shall be guilty of perjury, and shall be subject to the pains and penalties declared against that crime, and the first section of the act entitled "An act defining additional causes of challenge and prescribing an additional oath for grand and petit jurors in the United States courts," approved June seventeenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed.

Certain persons not to be jurors in certain cases.

Jurors to take oath.

False swearing in taking this oath to be perjury.

Repeal of first section of act 1862, ch. 108. Vol. xii. p. 430.

Sec. 6. That any person or persons, having knowledge that any of the wrongs conspired to be done and mentioned in the second section of this act are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse so to do, and such wrongful act shall be committed, such person or persons shall be liable to the person injured, or his legal representatives, for all damages caused by any such wrongful act which such first-named person or persons by reasonable diligence could have prevented; and such damages may be recovered in an action on the case, in the proper circuit court of the United States, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in such action: *Provided*, That such action shall be commenced within one year after such cause of action shall have accrued; and if the death of any person shall be caused by any such wrongful act and neglect, the legal representatives of such deceased person shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of such deceased person, if any there be, or if there be no widow, for the benefit of the next of kin of such deceased person.

Any person knowing that certain wrongs are about to be done, and having power to prevent, &c., neglects so to do, and any such wrong is done, is made liable for all damages caused thereby.

Suits therefor in courts of the United States.

Who may be joined as defendants.

Limitation. If death is caused by such wrongful act, the legal representatives of deceased may maintain action, &c. and for whose benefit.

Former laws, &c. not repealed, &c.

Former offences to be prosecuted.

Sec. 7. That nothing herein contained shall be construed to supersede or repeal any former act or law except so far as the same may be repugnant thereto; and any offences heretofore committed against the tenor of any former act shall be prosecuted, and any proceeding already commenced for the prosecution thereof shall be continued and completed, the same as if this act had not been passed, except so far as the provisions of this act may go to sustain and validate such proceedings.

APPROVED, April 20, 1871.

April 20, 1871. CHAP. XXIII. — *An Act for convening the next legislative Assembly of the Territory of New Mexico, 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 legislature of the Territory of New Mexico be, and it is hereby, authorized to convene on the first Monday of December, A. D. eighteen hundred and seventy-one; and that an election for the members of both branches of said legislature be authorized to be held on the day of the next general election, under the existing laws of said Territory.

APPROVED, April 20, 1871.

April 20, 1871. CHAP. XXIV. — *An Act concerning the Compensation of the Collector of Customs for the District of Willamette, in the State of Oregon.*

Legislature of Territory of New Mexico may convene on, &c.
Election authorized.

Pay of collector of customs in Willamette collection district, Oregon.
1870, ch. 127, § 1.
Vol. xvi. p. 160.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act approved June fourteenth, eighteen hundred and seventy, entitled "An act to establish the collection district of Willamette, in the State of Oregon," shall be, and is hereby, amended as follows: Strike out all of said section after the words "to reside at Portland," and insert in lieu thereof, "and said collector shall be allowed a salary at the rate of one thousand dollars per annum, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed at the rate of three thousand dollars per annum."

APPROVED, April 20, 1871.

April 20, 1871. CHAP. XXV. — *An Act amending an Act to reduce internal Taxes, and for other Purposes, approved July fourteenth, eighteen hundred and seventy.*

Bonded merchandise transported by carriers by rail, may be transferred from car to car when the gauges of connecting railroads differ, under, &c.
1870, ch. 255, § 32.
Vol. xvi. p. 271.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirty-second section of said act is hereby amended by adding to the last clause thereof as follows: *Provided,* That in case of difference in width of gauges of connecting railroads, the goods may be immediately transferred from one car to another under the personal supervision of an inspector, and such rules and regulations as the Secretary of the Treasury may prescribe.

APPROVED, April 20, 1871.

April 20, 1871. CHAP. XXVI. — *An Act to amend the Act approved June sixteenth, eighteen hundred and sixty-two, entitled "An Act providing for the [S]election of Jurors to serve in the several Courts of the District of Columbia.*

Preamble.

WHEREAS, by the first section of said act, the list of jurors to serve in said courts is to be made by the register of Washington city, and the clerks of the city of Georgetown, and levy court of Washington county, and said officers are abolished by the act approved February twenty-first, eighteen hundred and seventy-one, entitled "An act to provide a government for the District of Columbia": Therefore,

1871, ch. 62.
Vol. xvii. p. 419.

Supreme court of the District of Columbia to designate persons to make lists of jurors.

Justice of circuit court may order talesmen to be summoned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until the legislative assembly shall otherwise provide, the supreme court of the District of Columbia may, by orders in general term from time to time, designate necessary officers or persons to make the lists of jurors for service in said court, instead of said abolished officers.

SEC. 2. That the justice holding the special term usually called the circuit court, may order talesmen to be summoned by the marshal whenever the panel drawn for service in said court, for any reason, becomes defective.

APPROVED, April 20, 1871.