

§ 536. Partial invalidity of certain sections.

CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231, provided a saving clause for said act in the event of partial invalidity.

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Chapter 15.—GENERAL PROVISIONS

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CROSS REFERENCES

Juries, grand and petit, see section 411 et seq. of Title 28, Judicial Code and Judiciary.

§ 541. (Criminal Code, section 335.) Felonies and misdemeanors; petty offenses; prosecution of petty offense upon information or complaint.

All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors: *Provided*, That all offenses the penalty for which does not exceed confinement in a common jail, without hard labor for a period of six months, or a fine of not more than \$500, or both, shall be deemed to be petty offenses; and all such petty offenses may be prosecuted upon information, or complaint. (Mar. 4, 1909, ch. 321, § 335, 35 Stat. 1152; Dec. 16, 1930, ch. 15, 46 Stat. 1029.)

CROSS REFERENCES

Embezzlement, etc., from Federal Reserve and member banks as exception to definitions of this section, see section 592 of Title 12, Banks and Banking.

Punishment for acts declared in Merchant Marine Act, 1936, to be a misdemeanor to be by fine of not more than \$10,000 or imprisonment for not less than one or more than five years, or both, see section 1228 of Title 46, Shipping.

Punishment for violations of regulations, limitations, and restrictions prescribed by Secretary of Treasury for member banks of Federal Reserve System, see section 95 of Title 12, Banks and Banking.

Solicitation of, or contract for, fees for obtaining benefits for veterans declared a misdemeanor punishable by fine of \$500 or imprisonment for not exceeding two years, see section 103 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 542. (Criminal Code, section 323.) Manner of inflicting death penalty.

The manner of inflicting the punishment of death shall be the manner prescribed by the laws of the State within which the sentence is imposed. The United States marshal charged with the execution of the sentence may use available State or local facilities and the services of an appropriate State or local official or employ some other person for such purpose, and pay the cost thereof in an amount approved by the Attorney General. If the laws of the State within which sentence is imposed make no provision for the infliction of the penalty of death, then the court shall designate some other State in which such sentence shall be executed in the manner prescribed by the laws thereof. (Mar. 4, 1909, ch. 321, § 323, 35 Stat. 1151; June 19, 1937, ch. 367, 50 Stat. 304.)

DERIVATION

R. S. § 5325, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 119, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 543. (Criminal Code, section 331.) Body of executed offender for dissection.

The court before which any person is convicted of murder in the first degree, or rape, may, in its discretion, add to the judgment of death, that the body of

the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution. (Mar. 4, 1909, ch. 321, § 331, 35 Stat. 1152.)

DERIVATION

R. S. § 5340, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 113, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

CROSS REFERENCES

Rescue of body being conveyed to place of dissection, punishment for, see section 249 of this title.

§ 544. (Criminal Code, section 324.) Corruption of blood and forfeiture of estate excluded.

No conviction or judgment shall work corruption of blood or any forfeiture of estate. (Mar. 4, 1909, ch. 321, § 324, 35 Stat. 1151.)

DERIVATION

R. S. § 5326, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 117 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

CROSS REFERENCES

Treason, no attainder shall work corruption of blood or forfeiture except during life of person attainted, see U. S. Const. Art. III, § 3, cl. 2.

§ 545. (Criminal Code, section 325.) Whipping and pillory abolished.

The punishment of whipping and of standing in the pillory shall not be inflicted. (Mar. 4, 1909, ch. 321, § 325, 35 Stat. 1151.)

DERIVATION

R. S. § 5327, which was revised from act Feb. 28, 1839, ch. 36, 5 Stat. 322 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

CROSS REFERENCES

Cruel and unusual punishments prohibited, see U. S. Const. Amend. 8.

§ 546. (Criminal Code, section 340.) Jurisdiction of district courts.

The crimes and offenses defined in this title shall be cognizable in the district courts of the United States, as prescribed in section 41 of Title 28. (Mar. 4, 1909, ch. 321, § 340, 35 Stat. 1153; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

REFERENCES IN TEXT

The words, "this title," as used in this section refer to the Criminal Code, act Mar. 4, 1909, ch. 321, 35 Stat. 1088. The sections of said act embodied in this code are indicated by parenthetical references in the section catchlines. For full distribution of said act, see tables.

CROSS REFERENCES

Exclusive criminal jurisdiction of United States courts, see section 371 of Title 28, Judicial Code and Judiciary.

United States commissioners, jurisdiction to try petty offenses, see section 576 of this title.

§ 547. (Criminal Code, section 326.) Jurisdiction of State courts.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. (Mar. 4, 1909, ch. 321, § 326, 35 Stat. 1151.)

DERIVATION

R. S. § 5328, which was revised from act Mar. 3, 1825, ch. 65, 4 Stat. 122, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

REFERENCES IN TEXT

The words, "this title," as used in this section refer to the Criminal Code, act Mar. 4, 1909, ch. 321, 35 Stat. 1088. The sections of said act embodied in this code are indicated by parenthetical references in the section catchlines. For full distribution of said act, see tables.

§ 548. (Criminal Code, section 328.) Indians committing certain crime; acts on reservations; rape of Indian.

All Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny on and within any Indian reservation under the jurisdiction of the United States Government, including rights-of-way running through the reservation, shall be subject to the same laws, tried in the same courts, and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who commits the crime of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court: *Provided further*, That as herein used the offense rape shall be defined in accordance with the laws of the State in which the offense was committed.

The foregoing shall extend to prosecutions of Indians in South Dakota under section 549 of this title. (Mar. 4, 1909, ch. 321, § 328, 35 Stat. 1151; June 28, 1932, ch. 284, 47 Stat. 337.)

DERIVATION

Acts Mar. 3, 1885, ch. 341, § 9, 23 Stat. 385; Jan. 15, 1897, ch. 29, § 5, 29 Stat. 487, which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

CROSS REFERENCES

Assault of Indian by white person, see section 213 of Title 25, Indians.

General laws as to punishment extended to Indian country, see section 217 of Title 25, Indians.

Offenses within exclusive or territorial jurisdiction of United States, see section 451 et seq., and 511 et seq. of this title.

§ 549. (Criminal Code, section 329.) Crimes committed on Indian reservations in South Dakota; rape of Indian.

The district court of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States. Any Indian who shall commit the crime of rape upon any female Indian within any

such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. (Mar. 4, 1909, ch. 321, § 329, 35 Stat. 1151; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

DERIVATION

Act Feb. 2, 1903, ch. 351, 32 Stat. 793, which was repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

JURISDICTION

Jurisdiction to try actions arising out of crimes committed within the limits of any Indian reservation in South Dakota was conferred originally upon the circuit and district courts of the United States for the District of South Dakota by act February 2, 1903, ch. 351, 32 Stat. 793. Said act February 2, 1903, was repealed by section 341 of act March 4, 1909, cited to text. Section 329 of said act March 4, 1909, substantially reenacted the provisions of former act February 2, 1903, supra, as part of the Criminal Code. Section 289 of the Judicial Code, act March 3, 1911, cited to text, abolished the circuit courts; and section 291 thereof transferred the former jurisdiction of circuit courts to the district courts. Section 27 of said act March 3, 1911, substantially reenacted the first sentence of this section but omitted therefrom any reference to circuit courts. See section 51 of Title 28, Judicial Code and Judiciary.

CROSS REFERENCES

Jurisdiction of offenses committed by or against Indians on Indian reservations within State of Kansas conferred on State of Kansas as affecting jurisdiction of courts of the United States, see section 217a of Title 25, Indians.

Punishment for certain crimes to be applicable to prosecution of Indians in South Dakota, see section 548 of this title.

§ 550. (Criminal Code, section 332.) "Principals" defined.

Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (Mar. 4, 1909, ch. 321, § 332, 35 Stat. 1152.)

DERIVATION

R. S. § 5323, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 114; R. S. § 5427, which was revised from act July 14, 1870, ch. 254, 16 Stat. 254, which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 551. (Criminal Code, section 333.) Punishment of accessories.

Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years. (Mar. 4, 1909, ch. 321, § 333, 35 Stat. 1152.)

DERIVATION

R. S. § 5533, which was revised from act Apr. 30, 1790, ch. 9, 1 Stat. 114; R. S. § 5534, which was revised from act June 8, 1872, ch. 335, 17 Stat. 320; and R. S. § 5535, which

was revised from act July 2, 1836, ch. 270, 5 Stat. 88, all of which were repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 552. (Criminal Code, section 334.) Same; robbery or piracy.

Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than ten years. (Mar. 4, 1909, ch. 321, § 334, 35 Stat. 1152.)

DERIVATION

R. S. §§ 5324, 5533, which were revised from act Apr. 30, 1790, ch. 9, 1 Stat. 114 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 553. (Criminal Code, section 336.) Place of commission of murder or manslaughter determined.

In all cases of murder or manslaughter, the crime shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered or other means employed which caused the death, without regard to the place where the death occurs. (Mar. 4, 1909, ch. 321, § 336, 35 Stat. 1152.)

§ 554. Indictments and presentments; by twelve grand jurors.

CODIFICATION

Section, R. S. § 1021, which provided that no indictment should be found, nor any presentment made, without the concurrence of at least twelve grand jurors, is now, as to indictments, covered by Rule 6 (f) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. The use of presentments is obsolete. See, also, said section 687.

§ 554a. Same; objection on ground of unqualified juror barred where twelve qualified jurors concurred; record of number concurring.

CODIFICATION

Section, act Apr. 30, 1934, ch. 170, § 2, 48 Stat. 649, which barred pleas or motions to abate or quash indictments upon grounds of unqualified jurors where twelve qualified jurors concurred, and provided for the keeping and filing of records relating to such concurrences, is now covered by Rule 6 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 555. Same; offenses against elective franchise.

CODIFICATION

Section, R. S. § 1022, which provided that offenses committed against sections 51, 52, 54 to 59, 246, 428, and 443-445 of this title, and section 51 of Title 8, which are not infamous, might be prosecuted either by indictment or by information filed by a district attorney, is now covered by Rule 7 (a) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 556. Same; defects of form.

CODIFICATION

Section, R. S. § 1025; act May 18, 1933, ch. 31, 48 Stat. 58, which provided that no indictment should be deemed insufficient, nor should the trial, judgment, or other proceeding thereon be affected, by reason of defects in form, only, which should not prejudice the defendant, or by

reason of attendance before the grand jury of necessary clerical or stenographic help, is now covered by Rules 6 (d), 7 (c) and 52 (a) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 556a. Same; objections to drawing or qualification of grand jury; suspension of statute of limitations.

From the time a motion to dismiss an indictment upon the ground of irregularity in the drawing or impaneling of the grand jury or upon the ground of disqualification of a grand juror is filed and until the termination of the first term of court beginning subsequent to the final judgment on such motion and during which a grand jury thereof shall be in session, no statute of limitations shall operate to bar another indictment of any defendant filing such motion, or of any other defendant or defendants included in the indictment to which such motion is directed, for the offense or offenses therein charged. (Apr. 30, 1934, ch. 170, § 1, 48 Stat. 648; June 29, 1940, ch. 445, 54 Stat. 688.)

CODIFICATION

Former provisions of this section, fixing a definite limitation of ten days for pleas in abatement or motions to quash indictments, are now covered by Rule 12 of the Federal Rules of Criminal Procedure set out following section 687 of this title. Said rule is also the authority for rewording section so as to refer to a "motion to dismiss" rather than to a plea to abate or motion to quash, the rule having abolished pleas in abatement and motions to quash and substituted motions to dismiss therefor. Said Federal Rules of Criminal Procedure, which became effective Mar. 21, 1946, were promulgated under act June 29, 1940, cited to text, which is set out as said section 687, and which provides that all laws in conflict with such rules shall have no further force and effect.

CROSS REFERENCES

Limitation periods not affected by procedure governing pleadings and motions, see Rule 12 (b) (5) of the Federal Rules of Criminal Procedure following section 687 of this title.

Reindictment where defect or insufficiency found after or before period of limitation, and defense of limitations to new indictment, see sections 587-589 of this title.

§ 556b. Application of sections 554a and 556a.

Sections 554a and 556a of this title shall be applicable to the district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia. (Apr. 30, 1934, ch. 170, § 3, 48 Stat. 649; June 25, 1936, ch. 804, 49 Stat. 1921.)

REFERENCES IN TEXT

Section "554a", referred to in the text, is now covered by Rule 6 of the Federal Rules of Criminal Procedure set out following section 687 of this title. See, also, Rule 54 (a) (1) of said rules which, by its general terms, makes said Rule 6 applicable to the district courts in Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia.

§ 557. Same; joinder of charges.

CODIFICATION

Section, R. S. § 1024, which permitted joinder of charges or consolidation of indictments, involving connected transactions, is now covered by Rules 8, 13 and 14 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946 and set out following section 687 of this title. See, also, said section 687.

§ 558. Same; perjury.

CODIFICATION

Section, R. S. § 5396, which related to the form of presentment or indictment for perjury, is now covered, as to indictment, by Rule 7 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. The use of presentments in Federal prosecutions is obsolete. See, also, said section 687.

§ 559. Same; subornation of perjury.

CODIFICATION

Section, R. S. § 5397, which related to form of presentment or indictment for subornation of perjury, is now covered, as to indictments, by Rule 7 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. The use of presentments in Federal prosecutions is obsolete. See, also, said section 687.

§ 560. Same; perjury before naval court-martial.

CODIFICATION

Section, R. S. § 1023, which related to form of indictment in prosecutions for perjury or subornation of perjury before a naval general court-martial, is now covered by Rule 7 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 561. Same; judgment on demurrer.

CODIFICATION

Section, R. S. § 1026, which provided that a judgment overruling a demurrer to an indictment, or to counts thereof, or to an information, should be respondeat oster; and that thereupon a trial might be ordered at the same term, or a continuance might be ordered, as justice might require, is now covered by Rule 12 (a) (b) (5) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 562. Copy of indictment and list of jurors and witnesses for prisoner.

When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial. (R. S. § 1033.)

DERIVATION

Act Apr. 30, 1790, ch. 9, § 29, 1 Stat. 118.

§ 562a. Copy of information or indictment in other cases.

CODIFICATION

Section, acts Feb. 11, 1925, ch. 204, § 8, 43 Stat. 858; Jan. 22, 1927, ch. 50, § 2, 44 Stat. 1023, which provided that in each criminal case not provided for in section 562 of this title, the clerk should furnish each defendant, upon his request, a copy of the information or indictment, the fees for same to be taxed as costs, demand for such fees to be made only if, by order, judgment or decree of the court, the costs in the case are assessed against him, is now covered by Rule 10 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 563. Counsel and witnesses for persons indicted for capital crimes.

Every person who is indicted of treason or other capital crime shall be allowed to make his full de-

fense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution. (R. S. § 1034.)

DERIVATION

Act Apr. 30, 1790, ch. 9, § 29, 1 Stat. 118.

CROSS REFERENCES

Right of accused to have assistance of counsel, see U. S. Const. Amend. 6.

§ 564. Standing mute.

CODIFICATION

Section, R. S. § 1032, which provided that when a person, indicted for any offense, upon his arraignment stands mute, the court enter a plea of not guilty on his behalf, and that when the party pleads not guilty or such plea is entered as aforesaid, the cause shall be deemed at issue, and shall proceed to jury trial, is now covered by Rules 11 and 12 of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946, and set out following section 687 of this title. See, also, said section 687.

§ 565. Verdicts; less offense than charged.

CODIFICATION

Section, R. S. § 1035, which provided that the defendant in a criminal cause might be found guilty of any offense the Commission of which is necessarily included in that with which he is charged in the indictment, or might be found guilty of an attempt to commit the offense so charged, if such attempt be itself a separate offense, is now covered by Rule 31 (c) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946 and set out following section 687 of this title. See, also, said section 687.

§ 566. Same; several joint defendants.

CODIFICATION

Section, R. S. § 1036, which provided that, on an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury, is now covered by Rule 31 (a) (b) of the Federal Rules of Criminal Procedure, effective Mar. 21, 1946 and set out following section 687 of this title. See, also, said section 687.

§ 567. (Criminal Code, section 330.) Same; qualified verdicts.

In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life. (Mar. 4, 1909, ch. 321, § 330, 35 Stat. 1152.)

DERIVATION

Act Jan. 15, 1897, ch. 29, § 1, 29 Stat. 487, which was repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

CROSS REFERENCES

Verdict in murder cases arising from bank robbery, see section 588c of Title 12, Banks and Banking.

§ 568. (Criminal Code, section 327.) Pardoning power.

Whenever, by the judgment of any court or judicial officer of the United States, in any criminal pro-

ceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without in any manner impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted. (Mar. 4, 1909, ch. 321, § 327, 35 Stat. 1151.)

DERIVATION

R. S. § 5330, which was revised from act Feb. 20, 1863, ch. 46, 12 Stat. 656 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 569. Judgments for fines; collection.

In all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced. Where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid. (R. S. § 1041.)

DERIVATION

Act June 1, 1872, ch. 255, § 12, 17 Stat. 198.

CROSS REFERENCES

Stay of fine pending appeal, see Rule 38 (a) (3) of the Federal Rules of Criminal Procedure set out following section 687 of this title.

§ 570. Disposition of bribe moneys.

All moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment, or decree of the said court, to be subject, however, to the provisions of section 852 of Title 28. (Jan. 7, 1925, ch. 33, 43 Stat. 726.)

CROSS REFERENCES

Appropriation account for return of unclaimed money deposited by clerks of courts to be covered into trust fund; receipt account of Treasury, see section 725p (b) (14) of Title 31, Money and Finance.

§ 571. (Criminal Code, section 337.) Construction of words.

Words used in this title in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" and the word "whoever" include a corporation as well as a natural person; writing includes printing and typewriting, and signature or subscription includes a mark when the person making the same intended it as such. (Mar. 4, 1909, ch. 321, § 337, 35 Stat. 1152.)

REFERENCES IN TEXT

The words, "this title", as used in this section refer to the Criminal Code, act Mar. 4, 1909, ch. 321, 85 Stat. 1088. The sections of said act embodied in this code are indicated by parenthetical references in the section catchlines. For full distribution of said act, see tables.

CROSS REFERENCES

Rules of construction, see section 1 et seq. of Title 1, General Provisions.

§ 572. (Criminal Code, section 338.) Effect of omitting "hard labor."

The omission of the words "hard labor" from the provisions prescribing the punishment in the various sections of this title, shall not be construed as depriving the court of the power to impose hard labor as a part of the punishment, in any case where such power now exists. (Mar. 4, 1909, ch. 321, § 338, 35 Stat. 1153.)

REFERENCES IN TEXT

The words, "this title," as used in this section refer to the Criminal Code, act Mar. 4, 1909, ch. 321, 35 Stat. 1088. The sections of said act embodied in this code are indicated by parenthetical references in the section catchlines. For full distribution of said act, see tables.

§ 573. (Criminal Code, section 339.) Arrangement and classification of sections.

No inference or presumption of a legislative construction is to be drawn by reason of the chapters under which any particular section of the Criminal Code is placed. (Mar. 4, 1909, ch. 321, § 339, 35 Stat. 1153.)

REFERENCES IN TEXT

The sections of the Criminal Code, act Mar. 4, 1909, ch. 321, 35 Stat. 1088, embodied in this title are indicated by parenthetical references in the section catchlines. For full distribution of said act, see tables.

§ 574. Jurisdiction of offenses under certain sections.

The district court of the Canal Zone shall have jurisdiction of offenses under sections 25, 27, 31–38, 98, 130–132, 343–345, 349, 381, 502, 617–619, 628–631, and 633 of this title, sections 213, 220–222, 231, 232, 234, 401–408, and 601 of Title 22, and sections 191, 192–194 of Title 50, committed within its district, and concurrent jurisdiction with the district courts of the United States of offenses under said sections committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of this title, and the provisions of section 88 of this title, for the purpose of the sections hereinbefore enumerated, are extended to the Canal Zone. In such cases, the district attorney of the Canal Zone shall have the powers and perform the duties provided in the sections hereinbefore enumerated for United States attorneys. (June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Proc. No. 2695, July 4, 1946, 11 F. R. 7517, 60 Stat. 1352.)

CODIFICATION

The provisions of section 2 of Title XIII of act June 15, 1917, cited to text, so far as they apply to different sections of said act, are, with the exception of the sentence relating to powers and duties of the district attorney of the Canal Zone, repeated in section 39 of this title, and are repeated in full in section 39 of Title 50, War.

The references in said act of June 15, 1917 to the "several courts of first instance in the Philippine Islands", to the Philippine Islands generally, and to the district attorney of the Philippines, were omitted from the sec-

tion as obsolete in view of the independence of the Philippine Islands proclaimed by the President of the United States in Proc. No. 2695, cited to text, which is set out as a note under section 1240 of Title 48, Territories and Insular Possessions, and which was issued pursuant to that section.

§ 575. Rewards for apprehension of criminals; appropriations authorized.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a reward or rewards for the capture of anyone who is charged with violation of criminal laws of the United States or any State or of the District of Columbia the sum of \$25,000 to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States. There is also authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a reward or rewards for information leading to the arrest of any such person the sum of \$25,000 to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States: *Provided*, That not more than \$25,000 shall be expended for information or capture of any one person.

If the said persons or any of them shall be killed in resisting lawful arrest, the Attorney General may pay any part of the reward or rewards in his discretion to the person or persons whom he shall adjudge to be entitled thereto: *Provided*, That no part of the money authorized to be appropriated by this section shall be paid to any official or employee of the Department of Justice of the United States. (June 6, 1934, ch. 408, 48 Stat. 910.)

§ 576. Trial of petty offenses by United States commissioners; jurisdiction; probation; definition of petty offense; election by defendant.

Any United States commissioner specially designated for that purpose by the court by which he was appointed shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the law, or rules and regulations made in pursuance of law, committed in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction, and within the judicial district for which such commissioner was appointed. The probation laws shall be applicable to persons so tried before United States commissioners. For the purposes of sections 576–576d of this title the term "petty offense" shall be defined as in section 541 of this title. If any person charged with such petty offense shall so elect, however, he shall be tried in the district court of the United States which has jurisdiction over the offense. The commissioner before whom the defendant is arraigned shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant after being so apprised, signs a written consent to be tried before the commissioner. (Oct. 9, 1940, ch. 785, § 1, 54 Stat. 1058.)

§ 576a. Same; appeals; rules of procedure and practice.

In all cases of conviction by United States commissioners an appeal shall lie from the judgment

of the commissioner to the district court of the United States for the district in which the offense was committed. The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States. (Oct. 9, 1940, ch. 785, § 2, 54 Stat. 1059.)

RULES OF PROCEDURE FOR TRIALS BEFORE COMMISSIONERS

An order of the Supreme Court of the United States, promulgated Jan. 6, 1941, after citing the authority of section 576a of this title, provided as follows: "It is ordered on this sixth day of January, 1941, that the following rules be adopted as the Rules of Procedure and Practice for the Trial of Cases Before Commissioners and for Taking and Hearing of Appeals to the District Courts of the United States.

"It is further ordered that these rules shall be applicable to proceedings instituted on or after February 1, 1941, and to pending proceedings except to the extent that in the opinion of the Commissioner or the Court their application would not be feasible or would work injustice."

RULE 1.—INFORMATION AND WARRANT

A warrant of arrest shall be issued only on an information, under oath, which shall set forth the day and place it was taken, the name of the informer, the name and title of the Commissioner, the name of the offender, the time the alleged offense was committed and the place where it was committed and a description of the alleged offense.

If arrest is made on view, an information setting forth the same matters shall be made and filed before trial.

RULE 2.—TRIAL

The date of trial shall be fixed at such a time as will afford the defendant a reasonable opportunity for preparation and for representation by counsel if desired.

The trial shall be conducted as are trials of criminal cases in the District Court by a District judge in a criminal case where a jury is waived.

RULE 3.—DOCKET

The Commissioner's proceedings shall be entered in his docket, which shall show: (1) The defendant's written consent to be tried before the Commissioner; (2) the date of the information and upon whose oath it was made; (3) the date of the issue and service of the warrant; (4) the defendant's plea or pleas; (5) the names of the witnesses for the United States and for the defendant and a condensed summary of the testimony of each, and of any documentary evidence received; (6) the judgment and sentence of the Commissioner.

RULE 4.—APPEAL

1. Motions subsequent to judgment of conviction shall not be entertained by the Commissioner.

2. An appeal shall be taken within five days after entry of judgment of conviction. An appeal shall be taken by filing with the Commissioner a notice in duplicate stating that the defendant appeals from the judgment, and by serving a copy of the notice upon the United States Attorney. The notice of appeal shall set forth the title of the case, the names and addresses of the appellant and the appellant's

attorney, if any; a general statement of the nature of the offense; the date of the judgment; the sentence imposed and, if the appellant is in custody, the prison where he is confined. The notice shall also contain a succinct statement of the grounds of appeal which shall serve as the appellant's assignments of error and shall follow substantially the form hereto annexed.

3. The Commissioner shall immediately forward to the Clerk of the District Court the duplicate notice of appeal together with a transcript of his docket entries and copies of the information, the warrant, the defendant's written consent to be tried before the Commissioner, and any order concerning bail, pending appeal, certified under his hand and seal. From the time of the filing of the Commissioner's certificate the District Court shall have supervision and control of the proceedings on appeal and may at any time, upon five days' notice, entertain a motion to dismiss it or for directions to the Commissioner or to vacate or modify any order of the Commissioner in relation to the appeal, including any order for the granting of bail.

4. An appeal from a judgment of conviction stays the execution of the judgment unless the defendant, pending his appeal, shall elect to enter upon the service of the sentence.

5. The defendant shall not be admitted to bail pending appeal from a judgment of conviction save as follows: Bail may be granted by the Commissioner or by the District Court or any judge thereof; but bail shall not be allowed pending appeal unless it appears that the appeal involves a substantial question which should be determined by the District Court.

6. The record on appeal shall consist of the matters certified by the Commissioner pursuant to paragraph 3. No bill of exceptions and no assignments of error other than those set forth as ground for appeal shall be required. The defendant shall not be entitled to a trial *de novo* in the District Court and the decision of the Commissioner upon questions of fact shall not be reexamined by the District Court. Only errors of law apparent from the record as certified by the Commissioner shall be considered by the court.

RULE 5.—NEW TRIAL FOR AFTER-DISCOVERED EVIDENCE

Within sixty days after conviction a defendant may move for a new trial on the ground of after-discovered evidence. The motion shall be in writing, addressed to the Commissioner and shall set forth under oath the nature of the evidence and the reason it was unavailable at the trial. A copy of the motion shall forthwith be served upon the United States Attorney. The Commissioner shall transmit the motion together with a transcript of his docket entries to the District Court. That court shall hear the motion, and, if it deems a sufficient showing has been made, may vacate the judgment of conviction and direct the Commissioner to re-try the case.

RULE 6.—DISTRICT COURT RULES

The District Courts may, by order or standing rule, not inconsistent with these rules, regulate the

practice and procedure on appeals from convictions before a Commissioner.

FORM OF NOTICE OF APPEAL UNDER RULE 4
In the District Court of the United States

For the _____ District of _____
 UNITED STATES OF AMERICA }
 } Appeal from the Judg-
 } ment and Sentence
 } of _____
 } United States Com-
 } missioner.

 vs. _____

Name and address of appellant _____

Name and address of appellant's attorney _____

Offense _____

Date of judgment _____

Brief description of judgment or sentence _____

Name of prison where now confined, if not on bail _____

I, the above named Appellant, hereby appeal to the United States District Court for the _____ District of _____ from the judgment above-mentioned on the grounds set forth below.

(Signed) _____
 Appellant.

Dated _____

Grounds of appeal:

§ 576b. Same; fees of commissioners.

United States commissioners specially designated under authority of section 576 of this title shall receive for services rendered under sections 576-576d of this title the same fees, and none other, as provided for like or similar services in other cases under section 597 of Title 28. (Oct. 9, 1940, ch. 785, § 3, 54 Stat. 1059.)

§ 576c. Same; existing powers of commissioners unaffected.

Sections 576-576d of this title shall not be construed as in any way repealing or limiting the existing jurisdiction, power, or authority of United States commissioners, including United States commissioners appointed for the several national parks and the United States commissioners in Alaska. (Oct. 9, 1940, ch. 785, § 4, 54 Stat. 1059.)

§ 576d. Same; inapplicability of sections 576-576c to District of Columbia.

The provisions of sections 576-576d of this title shall not apply to the District of Columbia. (Oct. 9, 1940, ch. 785, § 5, 54 Stat. 1059.)

Chapter 16.—LIMITATIONS

Sec.

- 581. Capital offenses.
- 581a. Capital offenses; time for finding indictment.
- 581b. Same; offenses previously barred.
- 582. Offenses not capital.
- 583. Fleeing from justice.
- 584. Crimes under revenue or slave trade laws.
- 585, 586. Crimes under internal revenue laws.
- 587. Defective indictment; defect found after period of limitations; reindictment.
- 588. Same; defect found before period of limitations; reindictment.
- 589. Same; defense of limitations to new indictment.
- 590. Same; indictments bound by limitations on May 10, 1934.
- 590a. Suspension of limitations on offenses involving the defrauding of the United States.

§ 581. Capital offenses.

CODIFICATION

Subject matter of this section, R. S. § 1043, is now covered by section 582 of this title.

§ 581a. Capital offenses; time for finding indictment.

An indictment for any offense punishable by death may be found at any time without regard to any statute of limitations. (Aug. 4, 1939, ch. 419, § 1, 53 Stat. 1198.)

§ 581b. Same; offenses previously barred.

Section 581a of this title shall not authorize prosecution, trial, or punishment for any offense barred by the provisions of law existing on Aug. 4, 1939. (Aug. 4, 1939, ch. 419, § 2, 53 Stat. 1198.)

§ 582. Offenses not capital.

No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 584 of this title, unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed. (R. S. § 1044; Apr. 13, 1876, ch. 56, 19 Stat. 32; Nov. 17, 1921, ch. 124, § 1, 42 Stat. 220; Dec. 27, 1927, ch. 6, 45 Stat. 51.)

DERIVATION

Act Apr. 30, 1790, ch. 9, § 32, 1 Stat. 119.

CODIFICATION

Section constitutes the first clause of R. S. § 1044 as amended by act Dec. 27, 1927, cited to text. The remainder of R. S. § 1044, as amended, constituted a proviso that nothing therein contained "shall apply to any offense for which an indictment has been heretofore found or an information instituted, or to any proceedings under any such indictment or information."

CROSS REFERENCES

Anti-trust law violations, suspension of limitation periods, see note under section 16 of Title 15, Commerce and Trade.

Offenses under the Nationality Act of 1940, see section 746 (g) of Title 8, Aliens and Nationality.

§ 583. Fleeing from justice.

Nothing in sections 581 and 582 of this title shall extend to any person fleeing from justice. (R. S. § 1045.)

DERIVATION

Act Apr. 30, 1790, ch. 9, § 32, 1 Stat. 119.

§ 584. Crimes under revenue or slave trade laws.

No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the