

§ 3487. Refusal to pay as evidence of embezzlement

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the General Accounting Office, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, *prima facie* evidence of such embezzlement.

(June 25, 1948, ch. 645, 62 Stat. 833.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §180 (Mar. 4, 1909, ch. 321, §94, 35 Stat. 1106; June 10, 1921, ch. 18, §304, 42 Stat. 24).

"General Accounting Office" was substituted for "proper accounting officer of the Treasury".

CROSS REFERENCES

Account as evidence of embezzlement, see section 3497 of this title.

Accounting generally for public money, see section 643 of this title.

Embezzlement of public money, see section 641 of this title.

§ 3488. Intoxicating liquor in Indian country as evidence of unlawful introduction

The possession by a person of intoxicating liquors in Indian country where the introduction is prohibited by treaty or Federal statute shall be *prima facie* evidence of unlawful introduction.

(June 25, 1948, ch. 645, 62 Stat. 834.)

HISTORICAL AND REVISION NOTES

Based on section 245 of title 25, U.S.C., 1940 ed., Indians (May 18, 1916, ch. 125, §1, 39 Stat. 124).

The only change made was the insertion of the word "Indian" before "country", to substitute specificity for generality. (See definition of "Indian country" in section 1151 of this title.)

CROSS REFERENCES

Application of Indian liquor laws, see section 1161 of this title.

Indian country defined, see section 1151 of this title.

Possession of intoxicating liquors in Indian country, see section 1156 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1161 of this title.

§ 3489. Discovery and inspection—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Inspection of documents and papers taken from defendant, Rule 16.

(June 25, 1948, ch. 645, 62 Stat. 834.)

§ 3490. Official record or entry—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proof of official record or entry as in civil actions, Rule 27.

(June 25, 1948, ch. 645, 62 Stat. 834.)

§ 3491. Foreign documents

Any book, paper, statement, record, account, writing, or other document, or any portion

thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States shall, when duly certified as provided in section 3494 of this title, be admissible in evidence in any criminal action or proceeding in any court of the United States if the court shall find, from all the testimony taken with respect to such foreign document pursuant to a commission executed under section 3492 of this title, that such document (or the original thereof in case such document is a copy) satisfies the authentication requirements of the Federal Rules of Evidence, unless in the event that the genuineness of such document is denied, any party to such criminal action or proceeding making such denial shall establish to the satisfaction of the court that such document is not genuine. Nothing contained herein shall be deemed to require authentication under the provisions of section 3494 of this title of any such foreign documents which may otherwise be properly authenticated by law.

(June 25, 1948, ch. 645, 62 Stat. 834; May 24, 1949, ch. 139, §52, 63 Stat. 96; Oct. 3, 1964, Pub. L. 88-619, §2, 78 Stat. 995; Dec. 12, 1975, Pub. L. 94-149, §3, 89 Stat. 806.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 695a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (June 20, 1936, ch. 640, §2, 49 Stat. 1562.)

1949 ACT

This section [section 52] corrects section 3491 of title 18, U.S.C., so that the references therein will be to the correct section numbers in title 28, U.S.C., as revised and enacted in 1948.

REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in text, are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1975—Pub. L. 94-149 substituted "the authentication requirements of the Federal Rules of Evidence" for "the requirements of section 1732 of Title 28".

1964—Pub. L. 88-619 struck out "and section 1741 of Title 28" after "section 3494 of this title" in two places.

1949—Act May 24, 1949, substituted "section 1741" for "section 695e" and "section 1732" for "section 695" wherever appearing.

FEDERAL RULES OF CRIMINAL PROCEDURE

Proof of official records, see rule 27, Appendix to this title.

CROSS REFERENCES

Certification of genuineness of foreign document, see section 3494 of this title.

Commission to consular officers to authenticate foreign documents, see section 3492 of this title.

Foreign documents of record in the State of Vatican City, see section 4222 of Title 22, Foreign Relations and Intercourse.

Foreign documents on record in public offices, see section 1741 of Title 28, Judiciary and Judicial Procedure.

Record made in regular course of business, see section 1732 of Title 28.