

March tenth, eighteen hundred and eighty-nine, temporary tracks on the following streets and avenues:

First. Commencing at the east side of North Capitol street, and crossing said North Capitol street to D street, and down the bed of D street, occupying it with two tracks to its intersection with New Jersey avenue.

Locations.

Second. Commencing at the south side of Massachusetts avenue, and extending in a southerly direction across E street at or about the building line into square six hundred and eighty-one, the property of the Baltimore and Ohio Railroad Company, and running parallel with the Baltimore and Ohio Railroad Company's freight warehouse to North Capitol street.

Third. To cross the unnamed street running north and south through square six hundred and seventy-eight, between F and G streets with five tracks, being the extension of the five tracks now in use in the southeast portion of square six hundred and seventy-eight, with the privilege of closing this street to travel from the first to the sixth of March, inclusive.

Approved, February 1, 1889.

**CHAP. 113.**—An act to abolish circuit court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes.

February 6, 1889.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law. And terms of said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts, respectively, and terms of the circuit court shall be held also at Helena, in the eastern district of Arkansas, at the same times the district court is now required by law to be held; and also at the times and places in West Virginia, where the district court is now provided by law to be held.

Circuit courts established in Arkansas, Mississippi, and South Carolina.  
R. S., sec. 571, p. 97.  
R. S., sec. 572, pp. 98, 101, amended.  
Terms.

**SEC. 2.** That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as is or may be conferred by law upon the other circuit courts of the United States; and all suits, causes, and proceedings now pending in the said several respective district courts, and also in the district court of the district of West Virginia, and also in the district court of the eastern district of Arkansas, held at Helena, in and concerning which the said district courts exercise circuit court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

Jurisdiction.

Pending causes.

**SEC. 3.** That there shall be appointed for each of said circuits courts in this act mentioned, by the circuit court judge of the circuit in which said districts are respectively embraced, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the marshals of the United States in and for said respective districts shall act as marshals of said circuit courts, and the district attorneys of the United States in and for said respective districts shall discharge the duties of district attorneys in said circuit courts. Hereafter all appointments of clerks of circuit courts of the United States shall be made by the circuit judges of the respective circuits in which such circuit courts are

Clerks.

Marshals.

Appointment of circuit court clerks.  
R. S., sec. 619, p. 106, amended.  
Vol. 20, p. 204.

or may be hereafter established; and all provisions of law inconsistent herewith are hereby repealed.

Transfer of causes,  
etc.

SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all causes, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

Repeal of prior act.  
Vol. 19, p. 230.  
R. S., sec. 571, p. 97,  
repealed.

SEC. 5. That the provisions of the act entitled "An act to amend sections five hundred and thirty-three, five hundred and fifty-six, five hundred and seventy-one, and five hundred and seventy-two of the Revised Statutes of the United States relating to courts in Arkansas and other States," approved January thirty-first, eighteen hundred and seventy-seven, conferring upon the district courts named therein circuit court powers; and section five hundred and seventy-one of the Revised Statutes of the United States, as amended by said last-mentioned act, and all provisions of law inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Writs of error in  
crimes punishable by  
death.

SEC. 6. That hereafter in all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be re-examined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error, it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the Clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the Clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall during its pendency operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time, not exceeding sixty days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record.

Certifying trans-  
cript.

Proceedings to stay.  
Filing writ.

Petition.

Effect.

SEC. 7. That this act shall take effect and be in force from and after the first day of May, anno Domini eighteen hundred and eighty-nine.

Received by the President January 25, 1889.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]