

- nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.
- Proviso.**  
Violation to forfeit.
- Record of mortgages.**  
SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.
- Amendment, etc.**  
SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.
- Right not assignable except in aid of construction.**  
SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.
- Approved, March 3, 1891.

March 3, 1891.

**CHAP. 536.**—An act to define the jurisdiction of the police court of the District of Columbia.

Police court, D. C.  
R. S., D. C., sec. 1049,  
p. 122.

Jurisdiction extended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section ten hundred and forty-nine of the Revised Statutes of the United States relating to the District of Columbia be, and is hereby, amended so as to read as follows: The police court of the District of Columbia shall have original jurisdiction concurrently with the supreme court of the District of Columbia, of all crimes and offences hereafter committed against the United States, not capital or otherwise infamous, and not punishable by imprisonment in a penitentiary, committed within the District of Columbia, except libel conspiracy, and violations of the post office and pension laws of the United States; and also of all offences hereafter committed against the laws, ordinances, and regulations of the District of Columbia, and shall have power to examine and commit or hold to bail, either for trial or further examination, in all cases whether cognizable therein or in the supreme court of the District of Columbia.

Prosecutions.

SEC. 2. That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which according to the Constitution of the United States, the accused would be entitled to a jury trial the trial shall be by jury. And also in all prosecutions in which such persons would not be by force of the Constitution of the United States entitled to a trial by jury, but in which the fine or penalty may be fifty dollars or more or imprisonment for thirty days or more, the trial shall be by jury unless the accused shall, in open court, expressly waive such trial by jury and consent to a trial by the judge in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced on the verdict of a jury.

Jury trials.

Waiving jury.

Trials by judge.

In all cases not hereinbefore in this section provided for, the trial shall be by a judge.

Selection of jury.

SEC. 3. That the jury for service in said court shall consist of twelve men, who shall possess the legal qualifications necessary for jurors in the Supreme court of the District of Columbia, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said supreme court. The term of service of jurors drawn for service in said police court shall be for three successive monthly terms of said court, and, in any case on trial at the expiration of such time,

Service of jurors.

until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the last Saturday of each of said jury terms; and section eight hundred and seven of the Revised Statutes relating to the District of Columbia is hereby made applicable to and shall be in force in respect of said police court.

At least ten days before the term of service of such jurors shall begin, as in this act provided, such jurors shall be drawn in the manner in this act provided for, and at least twenty-six names so drawn shall be certified by the clerk of said supreme court to the said police court for service as jurors for the then ensuing jury term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the said police judge shall possess all the powers of a judge of the supreme court of said district and of said court sitting in special term. No person shall be eligible for service on a jury in said police court for more than one jury term in any period of twelve consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. Service in said jury shall not render any person so serving exempt, ineligible, or disqualified for service as a juror in said supreme court, except during his term of actual service in said police court. The marshal of said district, by himself or deputy, shall have charge of such jury, and for that purpose he may appoint an additional deputy who shall be paid three dollars a day while so employed.

SEC. 4. That in all cases tried before said court the judgement of the court shall be final, except as hereinafter provided. If upon the trial of any such cause an exception be taken by or on behalf of any defendant to any ruling or instruction of the court upon matter of law the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge, and if, upon presentation to any justice of the supreme court of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said supreme court, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said supreme court in general term for review and such action as the law may require. Any defendant desiring the benefit of the provisions of this section shall give notice in open court of his intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days, provided the defendant shall then and there enter into recognizance with sufficient surety, to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days, appear in said police court and abide by and perform its judgement, and that in the event of the granting of such writ of error he will appear in said supreme court of the District of Columbia and prosecute the writ of error and abide by and perform its judgement in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed pending proceedings upon his application for a writ of error and until the final disposition thereof by the said supreme court.

SEC. 5. That if any such recognizance shall be forfeited the police court shall have power, on motion of the prosecuting officer, to issue

Jury terms.

R. S., D. C., sec. 807, p. 96. Continuanace of term.

Drawing jurors.

Filling vacancies.

Eligibility.

Marshal to have charge of jury.

Deputy.

Judgments final.

Exceptions.

Writ of error in supreme court, D. C.

Notice.

Recognizance.

Sentence to be executed on failure of recognizance.

Execution on forfeited recognizance.

execution thereon for the amount of such recognizance against the recognizers, or any of them.

Remission of penalties.

But said police court shall have power, on application made by the recognizers, or any of them, at any time before the final execution of such writ, to remit such amount of any such recognizance as he shall deem to be just, but not below the amount of any fine imposed and all the costs of the proceedings.

Additional judge to be appointed.

SEC. 6. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the police court of the District of Columbia, learned in the law, who shall receive a salary of three thousand dollars per annum, to be paid in the same manner as now provided by law for payment of the judge of said court. The judge so appointed shall have and exercise all the powers possessed by the judge of said court as is or may be provided by law in common with said existing judge, and the business of said court may be carried on by each of said judges sitting separately and simultaneously.

Powers.

Sessions.

The judges of the police court shall hold separate sessions, and they are empowered to make rules for the apportionment of the business therein, and the acts of each of said judges respecting the business of said court shall be deemed and taken to be the acts of the said court.

Additional officers.

SEC. 7. That the judges of said court shall have power to appoint an additional bailiff for said service in said court who shall receive three dollars for each day's attendance upon the court, to be paid upon the certificate of the judges and as the other bailiffs of said court are now paid. The clerk of said court is hereby authorized, with the consent of the judges, to appoint an additional deputy clerk for service in said court, at a salary of one thousand five hundred dollars per annum, to be paid as the other deputy clerk of said court is now paid.

Present proceedings, etc., not affected.

SEC. 8. Nothing in this act shall be deemed to affect proceedings in respect of any crime or offense heretofore committed; and the prosecution of all such crimes and offenses heretofore committed shall be proceeded with in the same manner and with the same effect to all intents and purposes as if this act had not been passed.

Approved March 3, 1891.

March 3, 1891.

**CHAP. 537.**—An act for the erection of a new customhouse in the city of New York, and for other purposes.

New York customhouse. Site.

Vol. 25, p. 479.

Ante p. 183.

Plans, etc.

Sale of old customhouse.

Proceeds appropriated for new building.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be erected in the city of New York a new customhouse, on the site which has been selected and designated therefor by the Secretary of the Treasury, under the terms of an act entitled "An act for the erection of an appraiser's warehouse in the city of New York, and for other purposes," approved September fourteenth, eighteen hundred and eighty-eight, and any act or acts amendatory thereof, at a cost not to exceed the amount which shall be derived under section two of this act, in addition to any sum or sums which may be available under the provisions of said act; and the Secretary of the Treasury shall cause plans and estimates to be made by the Super-  
vising Architect of the Treasury for the erection of said new customhouse building.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, or at private sale after due advertisement, to the highest bidder, but for not less than four million of dollars, the present customhouse property in the city of New York, bounded by Wall, William and Hanover streets and Exchange Place. The proceeds of such sale, after the payment of