

CHAP. 102.—An Act To change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee.

January 19, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, Tennessee, shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

Tennessee eastern judicial district, northeastern division. Terms of court at Greeneville.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

Pending cases not to abate.

SEC. 3. That all laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Repeal.

Approved, January 19, 1901.

CHAP. 103.—An Act For the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

January 19, 1901.

Whereas Ensign Edward Everett Hayden, United States Navy, was placed upon the retired list of the Navy by reason of the loss of a leg, resulting from an accident incurred in the line of duty; and

Preamble.

Whereas sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of the Revised Statutes of the United States permit an officer of the Navy who has been wounded in the line of duty to remain upon the active list while capable of performing other than sea duty; and

Whereas several other officers of the Navy suffering from similar disability for sea duty have been, and are now, retained on the active list, in accordance with the above-mentioned sections of the Revised Statutes; and

Whereas the said Edward Everett Hayden has been, since his retirement, engaged in scientific study and work of value to and under the direction of the Navy Department, including service during the war with Spain, when he volunteered for active duty and served creditably and longer than any other retired officer of the Navy: Therefore, that justice may be done the said Edward Everett Hayden and that the Navy Department may be enabled to command his services during peace as well as war, in accordance with the above-mentioned sections of the Revised Statutes,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of law regulating appointments in the Navy by promotion in the line and limiting the number of lieutenants to be appointed in the United States naval service are hereby suspended for the purpose of this Act only, and only so far as they affect Edward Everett Hayden; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Edward Everett Hayden, now an ensign on the retired list of the Navy of the United States, to the grade and rank of lieutenant on the active list of the Navy, as of the date of May first, eighteen hundred and ninety-five, and to place his name in the Register of the Navy next after that of his classmate, John

Navy. Edward Everett Hayden may be appointed lieutenant on active list.

Provisos.
Examination.
R. S., secs. 1496, 1498,
pp. 259, 258.

No pay, etc.

Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section fourteen hundred and ninety-six of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

Approved, January 19, 1901.

January 22, 1901.

CHAP. 105.—An Act To divide the State of West Virginia into two judicial districts.

West Virginia divided into two judicial districts.
R. S., sec. 531, p. 89, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

— northern district, of what constituted.

SEC. 2. That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

—southern.

Existing judicial officers to act in northern district.

SEC. 3. That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this Act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

Marshal and district attorney.
Northern district.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

Southern district.
Judge.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, who shall possess and exercise all the powers conferred by existing law upon the judges of