

and regulations as may be established by the Secretary of the Interior in conformity with said intercourse laws.

Litigation.

SEC. 8. That the United States district court for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, jurisdiction over all controversies arising between said Fort Smith, Paris and Dardanelle Railway Company and the nations, tribes, and individual members of said tribes or nations through whose land or territory said railway shall be constructed. Said courts shall have jurisdiction, without reference to the amount in controversy, over all controversies arising in said nations or tribes and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties so far as the same may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That said railway company shall build and complete its railway in said Territory within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment, and that said company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid across the same.

Crossings.

Condition of acceptance.

SEC. 10. That said Fort Smith, Paris and Dardanelle Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that will neither aid, advise, nor assist in any effort looking toward the extinguishing or changing the present tenure of the Indians to their lands, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

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, and 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 said road, except as to mortgage or other lien that may be given or secured therein to aid in the construction thereof.

Right of way to Kansas City, Fort Scott and Gulf Railway Company, repealed. Vol. 24, p. 124.

SEC. 13. That an act entitled "An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," be, and the same is hereby, repealed.

Approved, February 26, 1889.

February 27, 1889.

CHAP. 302.—An act for the relief of William S. Rosecrans.

William S. Rosecrans. May be appointed brigadier-general on retired list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint William S. Rosecrans, late a major-general of United States Volunteers, and brigadier-general in the Regular Army of the United States, to the position of

brigadier-general in the Army of the United States, and to place him upon the retired list of the Army as of that grade (the retired list being thereby increased in number to that extent); and all laws and parts of laws in conflict herewith are suspended for this purpose only.

Approved, February 27, 1889.

CHAP. 308.—An act to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

March 1, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections seven hundred and fifty-eight and seven hundred and fifty-nine of the Revised Statutes of the United States, relating to the District of Columbia, be, and they are hereby, repealed.

Jurors, D. C.
R. S. D. C., secs. 753, 759, p. 90, repealed.

SEC. 2. That section seven hundred and fifty-five of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so that it shall read as follows: The supreme court in general term shall have power by rule of court to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to time as public convenience may require.

Regulation of terms by supreme court.
R. S. D. C., sec. 755, p. 90, amended.

SEC. 3. That section eight hundred and seventy-two of the Revised Statutes of the United States, relating to the District of Columbia, be, and it is hereby, amended so as to read as follows: No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude.

Qualifications of jurors.
R. S. D. C., sec. 872, p. 102.

SEC. 4. That sections eight hundred and fifty-five, eight hundred and fifty-six, and eight hundred and fifty-eight of the Revised Statutes of the United States, relating to the District of Columbia, be, and they hereby are, amended so as to read as follows: The term of service of jurors drawn for service in the supreme court of the District of Columbia holding a special term as a circuit court, or to serve as petit jurors in the special term as a criminal court, shall begin on the first Tuesday in each and every month in which jury trials shall be had and (subject to the provisions of section eight hundred and seven) shall terminate on the Monday preceding the first Tuesday of the following month, except when the jury shall be discharged by the court at an earlier day.

Term for jurors.
R. S. D. C., secs. 855, 856, 858, amended.

The term of service of grand jurors in the special term as a criminal court shall begin with each term of that court as fixed from time to time by the supreme court of the District of Columbia in general term, and shall end with such term, unless the jury shall sooner be discharged by the court.

Grand jurors.

At least ten days before the first Tuesday in each month when jury trials are to be had, the clerk shall publicly break the seal of the jury-box, and proceed to draw therefrom the names of twenty-six persons to serve as jurors in such circuit court, and of twenty-six other persons to serve as petit jurors in such criminal court, and at least ten days before the commencement of each special term held as a criminal court the names of twenty-three persons required to serve as grand jurors in such criminal court shall be drawn in like manner: *Provided,* That when any jury shall have been actually empanelled for the trial of any cause the jurymen composing the same shall be liable to continue in service until they have been lawfully discharged from said cause.

Criminal court.
R. S. D. C., sec. 807, p. 96.

Jurors, circuit and criminal courts.

Proviso.
Service.

SEC. 5. That section eight hundred and sixty-six of the Revised Statutes of the United States, relating to the District of Columbia,

R. S. D. C., sec. 866, p. 102, amended.