

trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court."

Approved, February 10, 1891.

Penalty.

CHAP 131—An act to provide for an additional associate Justice of the supreme court of Arizona.

February 11, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

Supreme court and judicial districts of Arizona Territory.
Vol. 12, p. 665 amended.
Composition of supreme court.
Quorum.

Disqualified to sit.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

Appointment of additional associate justice.
Term of office.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof, at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

Division into four judicial districts.

Terms of court.
Residence.

SEC. 4. That the present chief justice and his associates are hereby vested with power and authority, and they are hereby directed to divide said Territory into four judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper: *Provided,* That said districts shall be subject to such changes as the Territorial Assembly of the said Territory may enact.

Division and assignments.

Proviso.
Changes in districts.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief justice and his associates, or a majority of them; and grand and petit jurors shall be summoned thereon in the manner now required by law.

Jurisdiction of district courts.
R. S., sec. 1910, p. 337.

Terms.

Jurors.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

Pending offenses, etc.

Approved, February 11, 1891.

CHAP. 163.—An act to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes.

February 13, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to cause the lands embraced within the abandoned Fort Ellis military reservation in Montana to be regularly surveyed by an extension of the public surveys over the unsurveyed portions thereof.

Fort Ellis Military Reservation, Mont.
Portion of, may be open to homestead entry.
To be surveyed.

Section granted for State militia camp-ground, etc.

Proviso.

Reversion.

Remainder granted to State.

Limitations.

Vol. 25, p. 676.

Patents.

Provisos.

Existing rights.

Lands subject to entry, unselected by State, one year after survey.

Remaining lands, after completed selections.

No waiver of right to forfeit Northern Pacific R. R. lands.

SEC. 2. That there is hereby granted to the State of Montana, one section of said reservation, to be selected according to legal subdivisions so as to embrace the buildings and improvements thereon to be used by said State as a permanent militia camp-ground, or for other public purpose in the discretion of the State Legislature: *Provided*, That whenever the State shall cease to use said lands for public purposes the same shall revert to the United States.

SEC. 3. That the remainder of said reservation, or any portion thereof may be selected by the State of Montana at any time within one year after the approval of the survey thereof, in tracts of not less than one section, in square form and according to legal subdivisions as a part of the lands granted to said State under the provision of "An act to provide for the admission of the State of Montana into the Union," approved February twenty-second, eighteen hundred and eighty-nine. And the Secretary of the Interior shall cause patents for the lands so selected to be issued to the said State: *Provided*, That no existing lawful rights to any of said lands initiated under any of the laws of the United States shall be invalidated by this act: *Provided*, That if any portion of said reservation shall remain unselected by said State for a period of one year after the approval of the survey, that portion remaining unselected shall be subject to entry under the general land and mining laws of the United States: *Provided further*, That if within said period of one year the Governor of said State shall officially notify the Secretary of the Interior that the State has completed its selections, then the Secretary shall at once proclaim the remaining lands open to entry as aforesaid: *And provided further*, That nothing in this act shall be construed to waive or release in any way, any right of the United States to have the lands granted to the Northern Pacific Railroad Company forfeited, for any failure past or future, to comply with the conditions of the grant.

Approved, February 13, 1891.

February 13, 1891.

CHAP. 164.—An act to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post-road.

New Jersey and Staten Island Junction Railroad Company may tunnel New York Bay from Middletown to New Utrecht, N. Y.

Railroad tunnel.

Tracks, etc.

Use by other companies.

Terms.

Proviso.

Disagreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the New Jersey and Staten Island Junction Railroad Company, a corporation existing under the laws of the State of New York, to build and maintain a tunnel under the waters of the bay of New York, from a point in the town of Middletown, in the county of Richmond, in said State, to a point in the town of New Utrecht, in the county of Kings, in said State, for the passage of railroad trains, engines, and cars in and through the same, and to lay in and through said tunnel such and so many railway tracks as may be necessary for the use of said company, and such connections or extensions thereof as may be made, and for the use and more perfect connection of any and all railroads that are or shall be constructed to the said points, and that all railway companies desiring to use the said tunnel shall have and be entitled to equal rights and privileges in the passage through the same, and in the use of the tracks and fixtures thereof, and of all the approaches thereto, for a reasonable compensation, to be paid to the owners of said tunnel, under and upon such terms and conditions as shall be agreed to by the owners of said tunnel and such other railway companies: *Provided, however*, That in case such parties can not so agree then, and in such case, such other railway companies shall have the right to so use the tunnel under such terms and conditions as shall be prescribed by the Secretary of War, after hearing the allegations and proof of the respective parties.