

March 2, 1905.
[H. R. 2531.]

CHAP. 1305.—An Act To divide Washington into two judicial districts.

[Public, No. 125.]

United States courts.
Washington eastern
judicial district estab-
lished.
Vol. 25, p. 682,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the State of Washington which includes the counties of Stevens, Ferry, Okanogan, Chelan, Spokane, Lincoln, Douglas, Adams, Franklin, Wallawalla, Garfield, Columbia, Asotin, Whitman, Yakima, Klickitat, Kittitas, and any and all Indian reservations in one or more of said counties, and such other counties as may be created in that portion of the State of Washington lying east of the Cascade Mountains, with the waters thereof, is hereby detached from the judicial district of Washington and made a separate judicial district, and shall be called "the eastern district of Washington," and the residue of said State of Washington, with the waters thereof, shall hereafter be the western district of Washington.

Judge for western
district.

SEC. 2. That the district judge of the judicial district of Washington as heretofore constituted, and in office at the time this Act takes effect, shall be the district judge for the western judicial district of Washington as constituted by this Act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Washington 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 western judicial district of Washington, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

Clerk.

Attorney, etc.

The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Washington as constituted by this Act shall continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

Appointment of
judge for eastern dis-
trict.
Duties.

SEC. 3. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Washington, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Washington.

Marshal, etc.

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 said eastern judicial district of Washington 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.

Present officers.

SEC. 5. That all other officers residing within the eastern judicial district of the State of Washington as hereby constituted shall cease to be such officers when their successors are appointed and qualified.

Vacancies.

SEC. 6. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other offices authorized by law and made necessary by the creation of said two districts and the provisions of this Act, and all vacancies created thereby in either of said districts as constituted by this Act, shall be filled in the manner provided by law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, and other officers in said districts, except clerks, until changed by law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Washington as heretofore constituted, and the clerks for said

Salaries, etc.

districts shall receive the same fees and emoluments as are now prescribed by law for the clerks of the circuit and district courts of the northern district of California.

SEC. 7. That all causes and proceedings of every name and nature, except criminal, now pending in the courts of the judicial district of Washington as heretofore constituted, whereof the courts of the eastern judicial district of Washington as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Washington as hereby constituted, and to that end jurisdiction over the same is hereby vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, except criminal, now pending in the courts of the judicial district of Washington as heretofore constituted, whereof the courts of the western judicial district of Washington as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Washington as hereby constituted, and jurisdiction over the same is hereby vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, except criminal, including proceedings in bankruptcy, now pending in said judicial district of Washington as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Washington as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Washington as constituted by this Act.

Jurisdiction of eastern district.

Western district.

Proviso.
Pending causes, etc., except criminal.

SEC. 8. That the regular terms of the circuit and district courts of the United States for the western district of Washington shall be held at the following times and places, namely: At Seattle, beginning on the first Tuesday in November and May of each year, and at the city of Tacoma, beginning on the first Tuesday in February and July of each year.

Terms, western district.

Seattle and Tacoma.
Vol. 25, p. 682.

That the regular terms of the circuit and district courts of the United States for the eastern district of Washington shall be held at the following times and places, namely: At the city of Spokane, beginning on the first Tuesday in September and April of each year; at the city of Walla Walla, beginning on the first Tuesday of December and June of each year; and at the city of North Yakima, beginning on the first Tuesday in May and October of each year; and at such other times and places as may hereafter be provided by law.

Terms of eastern district.

Spokane, Walla Walla, and North Yakima.

Vol. 25, p. 682.

SEC. 9. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Terms not limited

SEC. 10. That the State of Washington shall continue as heretofore to constitute one judicial district, and the United States circuit court and the United States district court for said district are continued in existence with all the jurisdiction and powers of each, respectively, for the purpose of holding and taking cognizance of criminal causes pending, or which may be hereafter commenced and prosecuted for

Trial of present criminal cases.

criminal offenses against the laws of the United States, committed in any part of said State previous to the time when this Act takes effect, and when necessary to obtain indictments, or for the trial of any such case or cases, jurors, grand and petit, shall be selected, drawn, and summoned from the entire State, and such causes shall be commenced and prosecuted in the same manner as if this Act had never been passed.

Jurors.

Repeal.

SEC. 11. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

Effect.

SEC. 12. That this Act shall take effect from and after its approval by the President.

Approved, March 2, 1905.

March 2, 1905.
[H. R. 16646.]

CHAP. 1306.—An Act To amend section twenty-seven hundred and eighty-seven of the Revised Statutes of the United States.

[Public, No. 126.]

Customs.
Bond of agent.
R. S., sec. 2787, p. 540,
amended.

Penal bond double
the estimated duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-seven hundred and eighty-seven of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

“SEC. 2787. Whenever any entry is made with the collector of any district of merchandise imported into the United States subject to duty by any agent, factor, or person, other than the person to whom it belongs or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person in the penal sum of an amount equal to double the estimated duties, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to any entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs, or before any properly qualified notary whose seal shall be attested by the clerk of the county in which he is resident, or before any notary public designated by the Secretary of the Treasury. In case of the payment of the duties at the time of entry by any factor or agent on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner or consignee, verified in manner as before directed, within ninety days from the date of such bond.

Submission of certified account.

Minimum bond.

Cancellation of bond.

“The bond in no case shall be for less than one hundred dollars, and may not be required when the entered value of the merchandise does not exceed one hundred dollars. In the event of failure to produce the declaration of the owner or ultimate consignee within the time herein prescribed the bond may be cancelled, at the discretion of the Secretary of the Treasury, upon due proof that the factor or agent who entered the merchandise exercised proper diligence in the effort to fulfill the requirements of this Act.”

Proviso.
General penal bond.

Provided, That with the approval of the Secretary of the Treasury any agent, factor, or common carrier engaged in the entry of merchandise at the port of first arrival may give a general penal bond at said port for the production of the oaths of owners or ultimate consignees. Said bond shall be fixed by the Secretary of the Treasury at an amount sufficient in his opinion to cover all obligations to the United States that may accrue, and the record and cancellation of liabilities under said general bond shall be in accordance with such rules as he may prescribe.

Approved, March 2, 1905.