

March 3, 1905.
[S. 6946.]

CHAP. 1425.—An Act To reinstate Kenneth McAlpine as a lieutenant in the Navy.

[Public, No. 158.]

Navy.
Reinstatement of
Kenneth McAlpine as
lieutenant on active
list in, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Kenneth McAlpine a lieutenant on the active list of the Navy, to take rank as number one on the list of lieutenants, the said Kenneth McAlpine having served for a period of twenty-five years and ten months, from September, eighteen hundred and seventy-seven, to July, nineteen hundred and three, as an engineer officer in the Navy.

Pay to date from
appointment.

SEC. 2. That the said Kenneth McAlpine shall receive no pay or emolument except from the date of his appointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and to any grade to which he may hereafter be promoted. And that for the purpose of computing his pay his longevity shall be considered the same as if he had never been out of the service.

Longevity.

Service restricted.

SEC. 3. That the said Kenneth McAlpine shall perform engineering duty only.

Approved, March 3, 1905.

March 3, 1905.
[S. 6944.]

CHAP. 1426.—An Act To authorize the resurvey of certain lands in the State of Wyoming.

[Public, No. 159.]

Wyoming.
Resurvey of certain
townships in, author-
ized.

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 he is hereby, authorized and directed to cause to be made a resurvey of the following townships in the State of Wyoming: Townships seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two north; ranges one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight west of the sixth principal meridian; and townships twenty-three and twenty-four north, ranges one hundred and one and one hundred and two west of the sixth principal meridian; and township twenty-four north, ranges one hundred and three and one hundred and four west of the sixth principal meridian. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided,* That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled.

Description.

Petition regulations
abrogated.

Proviso.
Bona fide rights not
affected.

Approved, March 3, 1905.

March 3, 1905.
[S. 7049.]

CHAP. 1427.—An Act Providing for an additional circuit judge in the seventh judicial circuit, and for the appointment of an additional judge for the northern district of Illinois and for creating an additional district in the State of Illinois, to be known as the eastern district of Illinois, and for the appointment of a judge and other officers of said district, and for changing the boundaries of the districts in Illinois, and for establishing places for holding court in the several districts thus created.

[Public, No. 160.]

United States courts.
Additional judge for
seventh circuit.
R. S., sec. 607, p. 107.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the seventh circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers

and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States.

SEC. 2. That there shall be in and for the northern district of Illinois an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to other district judges.

Illinois judicial districts.
Additional judge for northern district.
R. S., sec. 551, p. 93.

SEC. 3. That the northern district of Illinois hereafter shall consist of the following counties in the State of Illinois, to wit: Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, Ogle, Dekalb, Lasalle, Grundy, Kendall, Kane, Dupage, Will, and Cook, and that all other counties in the northern district of Illinois as the same has heretofore existed be, and the same are hereby, detached from the northern district of Illinois and annexed to the southern and eastern districts of Illinois as hereinafter provided.

Northern district.
Counties composing.
R. S., sec. 536, p. 90, amended.

SEC. 4. That the northern district of Illinois shall be divided into two divisions, to be known as the eastern and western divisions. The counties of Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, and Ogle shall constitute the western division of said northern district of Illinois, the courts for which shall be held at the city of Freeport.

Division of, in eastern and western divisions.
Western division.

SEC. 5. That the terms of the circuit and district courts in and for said northern district of Illinois shall be held at the city of Chicago, as now provided by law, and at the city of Freeport, in the western division of said district, on the third Mondays of April and October of each year.

Terms at Chicago and Freeport.
R. S., secs. 572, 658, pp. 99, 120.

SEC. 6. That all civil suits not of a local nature, and all criminal prosecutions, shall be commenced and tried in the division of the said northern district of Illinois where the defendant or defendants reside or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

Jurisdiction.

That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of Freeport, unless he shall reside there himself, and also maintain an office at that place of holding court.

Deputy marshal and clerk at Freeport.

SEC. 7. That the division heretofore made of the northern district of Illinois into two divisions, known as the northern and southern divisions of the northern district of Illinois, is hereby abolished, provided that this Act shall not work a discontinuance of any suit or proceeding in law, equity, admiralty, or bankruptcy, or any civil proceeding now pending in the southern division of the northern district of Illinois, but all of said suits or proceedings so pending are hereby transferred to the southern district of Illinois as by this Act constituted, and shall be heard and disposed of in said southern district of Illinois as though originally instituted in said southern district of Illinois; and it shall be the duty of the clerk of the court from which such suit or proceeding is transferred to transmit to the clerk of the court to which the transfer is made the entire files or papers in all of said causes and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record under the seal of the court of all orders, interlocutory decrees, or other entries in any or all of said causes; and he shall also certify under the seal of the court that the papers sent are all which are on file in said court belonging to said causes respectively; for the performance of said duties said clerks shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly

Northern and southern divisions.
Vol. 24, p. 442.

Pending causes transferred to southern district.

Transmittal of records, etc.

Fees.

collected with the other costs in said causes respectively; and such transcripts when so certified and received shall thenceforth constitute a part of the record of said causes respectively in the court to which such transfer shall be made: *Provided*, That all motions and causes submitted and all causes and proceedings, in law, equity, admiralty, or bankruptcy, pending in said southern division of the northern district of Illinois as heretofore constituted, in which evidence has been taken in whole or in part before the district judge of the northern district of Illinois, or taken in whole or in part and submitted to and passed upon by said district judge of said northern district of Illinois, shall be retained, proceeded with, and disposed of in said northern district of Illinois as constituted in this Act, and for this purpose the venue of any such causes or proceedings may be changed from the southern division of the northern district of Illinois as heretofore existing to the northern district of Illinois as constituted by this Act.

Proviso.
Exceptions.

Present officers.

SEC. 8. That all officers who have been heretofore appointed for the northern district of Illinois as heretofore constituted who shall be in office at the time of the taking effect of this Act and who reside therein as hereby constituted shall continue in office as officers of the district of their residence until the expiration of their respective terms or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as heretofore.

Southern district.
Counties composing.
R. S., sec. 536, p. 90.

SEC. 9. That the southern district of Illinois hereafter shall consist of the following-named counties, to wit: Rock Island, Henry, Bureau, Mercer, Knox, Stark, Putnam, Marshall, Henderson, Warren, Peoria, Woodford, Livingston, McLean, Tazewell, Fulton, McDonough, Hancock, Dewitt, Logan, Mason, Schuyler, Adams, Brown, Cass, Menard, Macon, Sangamon, Christian, Morgan, Montgomery, Pike, Scott, Macoupin, Greene, Calhoun, Jersey, Bond, and Madison, and that all the other counties heretofore contained in said southern district are hereby detached from said southern district and annexed to the eastern district of Illinois, as hereinafter provided.

Division of, into
northern and south-
ern divisions.

Northern division.

SEC. 10. That the southern district of Illinois shall be divided into two divisions, to be known as the northern and southern divisions. The counties of Peoria, Bureau, Stark, Henry, Rock Island, Mercer, Henderson, Warren, Knox, McDonough, Fulton, Putnam, Marshall, Woodford, Tazewell, and Livingston shall constitute the northern division of said southern district of Illinois, the courts for which shall be held at the city of Peoria.

Suits not of a local
nature.

That all civil suits not of a local nature, and criminal prosecutions, must be brought in the division of the said southern district of Illinois where the defendant or defendants reside, or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

Clerks.

That the clerks of the circuit and district courts of the southern district of Illinois shall be respectively the clerks of the courts of both divisions of the said district; that each of said clerks or his deputies shall keep an office open at all times at each of the places of holding of said court and shall there keep the records, files, and documents pertaining to the court of that division; and said clerks shall be entitled to the same fees now allowed by law. In addition to his powers to appoint deputies, as now prescribed by law, each of said clerks shall be empowered to appoint, with the approval of the court, a chief deputy for a court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence.

Appointment of
chief deputy.

Deputy marshal and
clerk.

That the marshal and clerk for said southern district of Illinois shall respectively appoint at least one deputy residing in the said northern division, and also maintain an office at that place of holding court.

That the terms of the circuit and district courts in and for said southern district of Illinois shall be held as now provided by law, and, at the city of Peoria, in the northern division of said district, on the third Mondays of April and October of each year.

Terms at Peoria.
R. S., secs. 572, 658,
pp. 99, 120.

SEC. 11. That the marshal and the clerks of the circuit and district courts for the southern district of Illinois in addition to the offices now maintained by them shall, respectively, maintain an office at the city of Peoria.

Office at Peoria.

SEC. 12. That there shall be, and hereby is, created an additional judicial district in the State of Illinois to be known as the eastern district of Illinois, and the same shall consist of the following named counties in Illinois, to wit: Kankakee, Iroquois, Ford, Vermilion, Champaign, Piatt, Moultrie, Douglas, Edgar, Shelby, Coles, Clark, Cumberland, Effingham, Fayette, Marion, Clay, Jasper, Crawford, Lawrence, Richland, Clinton, Saint Clair, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Gallatin, Saline, Williamson, Jackson, Hardin, Pope, Johnson, Union, Alexander, Pulaski, and Massac.

Eastern judicial district established.
R. S., sec. 536, p. 90,
amended.

Counties comprising.

SEC. 13. That the President, by and with the advice and consent of the Senate, shall appoint for said eastern district of Illinois a district judge, a marshal, and a district attorney, except where any such officer is retained as hereinafter provided; and clerks for said circuit and district courts shall be appointed in the same manner as is now provided by law with respect to such officers in the southern district of Illinois.

Appointment of judge, etc.

SEC. 14. That the courts and the judges of said eastern district of Illinois, shall within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the southern district of Illinois.

Jurisdiction.

SEC. 15. That the district judge of said eastern district of Illinois shall receive the same compensation as is now by law provided for the district judge of the southern district of Illinois; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties in said eastern district lawfully possessed and performed by the like officers in the said southern district of Illinois and shall be respectively entitled to like fees, compensation, and emoluments, and, until otherwise provided by law, the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Pay of judge.

Fees.

SEC. 16. That the terms of the circuit and district courts in and for said eastern district of Illinois shall be held at the city of Danville, commencing on the first Mondays of March and September of each year, and at the city of Cairo, commencing on the first Mondays of April and October of each year, and at the city of East Saint Louis, commencing on the first Monday of May and November of each year.

Terms, at Danville, Cairo, East Saint Louis.
R. S., secs. 572, 658,
pp. 99, 120.

SEC. 17. That all civil causes and proceedings of every name and nature, including proceedings in bankruptcy, now pending in the courts of the northern and southern districts of Illinois as heretofore constituted, whereof the courts of the eastern district of Illinois, as hereby constituted, would have had jurisdiction if the said eastern district of Illinois and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and same shall be proceeded with in, the eastern district of Illinois, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and such records and proceedings when so certified and transferred shall thenceforth constitute a part of the record of said causes, respectively, in the court to which such

Transfer of causes from northern and southern districts.

transfer shall be made, and all such suits and proceedings so transferred shall be heard and disposed of in the regular way at the terms of said courts for the eastern district of Illinois to be held at Danville, East Saint Louis, and Cairo, respectively, as herein provided: *Provided*, That all motions and causes submitted and all causes and proceedings in law, equity, admiralty, or bankruptcy, pending at the time of the taking effect of this Act in the northern and southern districts of Illinois as heretofore constituted, in which the evidence has been taken in whole or in part before the judges of the said northern and southern district of Illinois as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said judges shall be retained, proceeded with, and disposed of in said northern and southern districts of Illinois, respectively, as constituted by this Act.

Proviso.
Exceptions.

Present judge, etc.,
to continue.

SEC. 18. That the district judge of the southern district of Illinois in office at the time this Act takes effect shall continue to be the district judge for the southern district of Illinois, as constituted by this Act; that the clerk of the circuit court for the southern district of Illinois in office at the time this Act takes effect shall continue to be clerk of the circuit court of the southern district of Illinois, as constituted by this Act, until his successor is appointed and qualified, and the clerk of the district court of the southern district of Illinois in office at the time this Act takes effect shall continue to be clerk of the district court of the southern district of Illinois until his successor is duly appointed and qualified, and said clerks of the circuit and district courts of the southern district of Illinois in office at the time this Act takes effect shall also be clerks of the circuit and district courts of the eastern district of Illinois, respectively, as constituted by this Act until their successors are duly appointed and qualified.

Officers not residing
in southern district.

SEC. 19. That all officers not residing in said southern district of Illinois, as constituted by this Act, shall cease to be officers of said southern district when their successors, respectively, for said southern district of Illinois, as hereby constituted, are duly appointed and qualified. The office of marshal and district attorney in each of said southern and eastern districts of Illinois, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said eastern district of Illinois and the provisions of this Act, and all vacancies created in either of said districts shall be filled in the manner now provided by law for the appointment of said officers, respectively, in the southern district of Illinois as the same has heretofore existed. The salaries, pay, fees, and allowances of all officers of the eastern district of Illinois shall be the same as heretofore allowed, respectively, for the same officers in the southern district of Illinois as heretofore constituted.

Marshal, etc.

Vacancies.

Compensation, etc.

Officers residing in
southern district.

SEC. 20. That all officers who have heretofore been appointed for the southern district of Illinois, as heretofore constituted, who shall be in office at the time of taking effect of this Act and who reside in said southern district as heretofore existing shall continue in their offices, respectively, of the district of their respective residences, as created by this Act, until the expiration of their respective terms of appointment, or until their successors are appointed and qualified, and shall perform the same duties and receive the same salaries and compensation as heretofore.

Special terms in
northern, southern,
and eastern districts.

SEC. 21. That special terms of the circuit and district courts may be held in the northern, southern, and eastern districts of Illinois whenever such special terms are deemed necessary by the judges of said courts, respectively, and the time or times of holding such special sessions of said courts shall be fixed by the judges of said courts, respectively, either by a rule of such courts or by special or general order of such courts entered of record in said courts.

SEC. 22. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

Crimes, etc.

SEC. 23. That in all prosecutions for crimes or offenses heretofore committed within either the northern or southern districts of Illinois, as hitherto constituted, shall be commenced and proceeded with in each of said districts, respectively, the same as if this Act had not been passed.

Prior crimes.

SEC. 24. That all laws or parts of laws inconsistent herewith are hereby repealed.

Repeal.

Approved, March 3, 1905.

CHAP. 1428.—An Act Permitting the building of a railway bridge across White River, joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana.

March 3, 1905.
[S. 7164.]

[Public, No. 161.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Vincennes, West Baden and Louisville Traction Company, a railway corporation organized under the laws of the State of Indiana, its successors or assigns, to build a railway bridge across the White River, at a point suitable to the interests of navigation, joining the township of Harrison, in Knox County, State of Indiana, and the township of Washington, in Pike County, State of Indiana: *Provided,* That the plans for the said bridge and appurtenant works and the location thereof shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction: *And provided further,* That said Vincennes, West Baden and Louisville Traction Company, its successors or assigns, shall not deviate from such plans after such approval either before or after the completion of the said bridge unless the modification of said plans shall have been previously submitted to and received the approval of the Chief of Engineers and of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

White River, Ind.
Vincennes, West
Baden and Louisville
Traction Company
may bridge.
Location.

Provided.
Secretary of War to
approve plans.

Changes.

SEC. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge cases may be tried in the proper courts, as now provided for that purpose in the State of Indiana, and in the courts of the United States: *Provided,* That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said bridge from the operation of same.

Litigation.

Provided.
Existing laws not
affected.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the compensation to be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

Use by other com-
panies.

Compensation.

SEC. 4. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States,

Lawful structure
and post route.

Telegraph, etc.
right.