

Utah.
Lands without
water for domestic
use.

Residence not re-
quired, if so desig-
nated.

Proviso.
Cultivation re-
quired.

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this Act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this Act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

Approved, February 19, 1909.

February 19, 1909.
[H. R. 16274.]

CHAP. 161.—An Act To amend section ten of chapter two hundred and fifty-two, volume twenty-nine, of Public Statutes at Large.

[Public, No. 246.]

United States courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section ten of chapter two hundred and fifty-two, volume twenty-nine, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word "two" and inserting in place thereof the word "three," so that said section as amended shall read as follows:

Vol. 29. p. 182,
amended.

Marshals.
Office deputies, etc.,
allowed.

"SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided."

Expenses, serving
writs, etc.

Per diem increased.

Approved, February 19, 1909.

February 19, 1909.
[H. R. 21560.]

CHAP. 162.—An Act To provide for circuit and district courts of the United States at Gadsden, Alabama.

[Public, No. 247.]

Alabama northern
judicial district.
Middle division cre-
ated.
R. S., 532, p. 89.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the middle division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Cherokee, Dekalb, Marshall, Etowah, and Saint Clair.

Terms at Gadsden.
R. S., secs. 572, 658,
pp. 96, 120.

SEC. 2. That a term of the circuit and the district courts of the middle division of the northern judicial district of the State of Alabama shall be held at Gadsden, in Etowah County, in said State, on the first Tuesday in February and on the first Tuesday in August of each year: *Provided, however*, That suitable rooms and accommodations are furnished for the holdings of said courts, free of all expense to the Government, until a public building shall be provided for by law.

Proviso.
Court rooms.

SEC. 3. That all civil process issued against persons residing in said counties cognizable before the United States court shall be made returnable to the courts of the United States, respectively, to be held at Gadsden, as provided by this Act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Gadsden: *Provided*, That no process or prosecutions commenced or suits instituted before the passage of this Act shall be in any way affected by the provisions hereof, and that all prosecutions heretofore commenced for offenses heretofore committed against the United States in any of the said counties shall be prosecuted and tried as though this Act had not been passed.

Return of process.

Proviso.
Pending cases not affected.

SEC. 4. That it shall be the duty of the clerks, marshals, and other officers of the northern judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said northern district shall maintain an office, in charge of themselves or a deputy, at Gadsden, which shall be kept open at all times for the transaction of the business of said division.

Attendance of clerks, etc.

Approved, February 19, 1909.

CHAP. 165.—An Act To withdraw from settlement and entry certain lands in the State of California.

February 20, 1909.
[S. 8048.]

[Public, No. 248.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the public lands in section eight, township one south, range two west, and in sections two, four, eight, ten, and twelve, in township one south, range three west, San Bernardino base and meridian, in the State of California, are hereby withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley: *Provided*, That this Act shall not defeat any vested right which has attached under any pending entry or location.

California.
Public lands reserved to conserve waters of San Bernardino Valley.

Proviso.
Prior rights not affected.

Use of waste waters, etc.

SEC. 2. That any individual or association of individuals or any company or corporation may have the right, under such rules and regulations as the Secretary of the Interior may prescribe, to conduct to said lands and to distribute over them any flood or waste waters not otherwise appropriated, and to build the necessary engineering works for this purpose, to the end that said flood or waste waters may sink into the sands and gravels of said lands, thereby increasing and replenishing the supply of underground waters in the San Bernardino Valley.

Approved, February 20, 1909.

CHAP. 166.—An Act To amend section eight of an Act entitled "An Act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June nineteenth, nineteen hundred and six.

February 20, 1909.
[H. R. 20247.]

[Public, No. 249.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of an Act entitled "An Act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June nineteenth, nineteen hundred and six, be amended to read as follows:

District of Columbia.
Employment agencies.
Vol. 34, p. 307, amended.

"SEC. 8. That the fees charged for the employment of agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, nurses (except professional nurses), chambermaids, maids of all work, domestics, servants, or other laborers (except

Fees.