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response to said public advertisement, at the time named in the advertisement, or within ten days subsequent thereto, shall be received, opened, and considered by a commission of three persons, who shall be appointed by the Secretary of the Treasury, and it shall be the duty of said commissioners to forward to the Secretary of the Treasury, within forty days from the date named in the advertisement for opening the proposals, a written report, with the original proposals, maps, and so forth, and the oaths prescribed by act of Congress approved June twenty-third, eighteen hundred and seventy-four, and to definitely state in said report the site selected by them, and their selection of the site shall be final and each commissioner shall be allowed a compensation for his services of an amount within the discretion of the Secretary of the Treasury, said compensation not to exceed two hundred dollars and actual traveling expenses to each commissioner.

Commission to consider, etc.

Report, etc.

Oaths.

Vol. 18, part 3, p. 276.

Final determination.

Commissioners' compensation.

Expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, compensation and actual traveling expenses of the commissioners, and other expenses incident to the selection of the site, shall be immediately available

Appropriation immediately available.

For incidental site expenses.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the receipt of the report of the commissioners selecting the site.

For plans, etc., upon receipt of report.

So much of said appropriation as may be necessary to make payment for the site shall be available upon the receipt of the written opinion of the Attorney-General in favor of the validity of title to the site selected, and when the State of Louisiana shall have ceded to the United States jurisdiction over the site selected, during the time that the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein; or so much of said appropriation as may be necessary to acquire title to the site by condemnation shall be immediately available; and, after the site shall have been paid for, and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect, and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

For site when title reported valid and jurisdiction passes.

For acquiring title by condemnation.

Available balance for building, etc.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Open space.

Approved, April 26, 1890.

CHAP. 161.—An act to divide the judicial district of North Dakota.

April 26, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of North Dakota shall constitute one judicial district.

North Dakota judicial district.
Vol. 25, p. 682.

SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the Southwestern, Southeastern, Northeastern, and Northwestern divisions; that portion of the State comprising the present counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and all the territory in said State of North Dakota lying south and west of the Missouri river shall constitute the Southwestern Division, the court for which shall be held at the city of Bismarck. That portion of the State comprising the present counties of Cass, Richland, Barnes, Dickey, Sargent, La Moure, Ransom,

In four divisions.

Southwestern.

Southeastern.

Griggs and Steele shall constitute the Southeastern Division, the
Northeastern. court for which shall be held at the city of Fargo. That portion of the State comprising the present counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the Northeastern Division, the court for which shall be held at the city of
Northwestern. Grand Forks. That portion of the State comprising the present counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, McHenry, and Ward, and all the territory in said State of North Dakota lying north of the said Southwestern Division, shall constitute the Northwestern Division, the court for which shall be held at the city of Devil's Lake.

Terms of district court; places. SEC. 3. That the terms of the district court for the district of North Dakota shall be held at Bismarck on the first Tuesday of April in each year; at Fargo on the third Tuesday of May in each year; at Grand Forks on the first Tuesday of December in each year, and at Devil's Lake on the first Tuesday of February in each year. And
Repeal of existing law, as to terms. Vol. 25, p. 682. the provisions of law now existing for the holding of said court on the first Monday in April and November of each year is hereby repealed, and all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or re-
Transfer of causes, etc. turnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms provided in this act in the same manner and with the same effect as they would have had had this act not been passed.

Jurisdiction. SEC. 4. That all civil suits not of a local character now pending or which shall be brought in the district or circuit courts of the United States for the district of North Dakota, in either of the said divisions against a single defendant, or where all the defendants reside in the same divisions of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought
Serving of final process, etc. in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served
Issues of fact; where triable. and executed in either or all of said divisions. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

Terms of circuit court. SEC. 5. That the circuit court of the United States for said district shall be held at Bismarck on the first Tuesday of April in each year, and at Fargo on the third Tuesday of May in each year, and at Grand Forks on the first Tuesday of December in each year, and at Devil's Lake on the first Tuesday of February of each year; and
Appeals and writs of error. cases taken on appeal or writ of error from the District Court shall be returnable to the Circuit Court held in that judicial sub-division from which the appeal was taken. When the Circuit Court and District Court is held, as provided in this act, at the same time and
Juries. place, one grand and one petit jury only shall be summoned and serve in both said courts.

Appointment of deputy clerks. SEC 6. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed:
Proviso. *Provided*, That the appointment of such deputies shall be approved
Subject to judicial approval, etc. by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies

Approved, April 26, 1890.