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said irrigation company in such manner as the Secretary of the Interior shall prescribe before any right under this act shall accrue to said company.

No mortgage, etc., until completion, save for construction purposes.

SEC. 4. That said company shall not assign, or transfer, or mortgage its right of way for any purpose whatever until said canal shall be completed; except, however, that the company may mortgage said franchise for the purpose of raising money to construct and build said canal: *And provided further*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across said reservation within three years from the passage of this act.

Proviso.

Completion.

Immediate entry for surveys.

Limitation.

Plats to be filed with Secretary of Interior.

SEC. 5. That the right of immediate entry upon the lands of said reservation for the purpose of making surveys of the line of the ditch or canal of said company is hereby granted, but no right of any kind in or to any part of the right of way or other grounds above mentioned shall vest in said company until plats thereof, made upon actual survey for the definite location of said ditch or canal, including the points for dams, reservoirs, and distributing ditches, with the amount of ground requisite for such purposes, shall be filed with the Secretary of the Interior, and until the compensation for said lands and for the services of said Commissioners has been fixed and paid.

Pre-payment for lands and commissioners' services.

Vol. 23, p. 341.

SEC. 6. That whereas under the provisions of the act of Congress above mentioned the lands of said reservation are soon to be allotted to the Indians belonging thereto in severalty, the Secretary of the Interior shall hold the moneys paid to him by said company for right of way and other grounds, as above provided, until such allotment in severalty shall have been perfected, and thereupon he shall pay over to the Indians to whom shall be allotted the lands traversed by said ditch or canal the amount of compensation assessed by the Commissioners as properly appertaining to the tract of land to each Indian allotted. Payments for improved or inclosed lands held by Indians prior to such allotment and damaged by the construction of said ditch or canal shall be made to the several Indians affected thereby immediately upon the appraisement of said Commissioners being made, and vouchers for such payments, attested by the agent in charge of the reservation, shall be filed by said company with the Secretary of the Interior at the time of filing its plat of location of said ditch or canal.

Secretary of the Interior to distribute moneys received for right of way, etc., to certain Indian allottees.

Payments for damages to certain other Indian land-holders.

Vouchers to be filed.

Forfeiture.

SEC. 7. That any failure in the performance of the conditions prescribed in this act shall be taken and deemed to work a forfeiture of the rights herein granted, without any act of Congress or judgment of court declaring the same.

Amendment.

SEC. 8. That the right to alter, amend, or repeal this act is hereby reserved.

Approved, February 10, 1891.

February 10, 1891.

CHAP. 130.—An act to amend sections forty-seven hundred and eighty-three and fifty-four hundred and eighty-six of the Revised Statutes.

Pensions.
Embezzlement, etc., by guardian, etc.
R. S., secs. 4783, p. 929, and 5486, p. 1064, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sections forty-seven hundred and eighty-three and fifty-four hundred and eighty-six of the Revised Statutes be, and the same are hereby, so amended as to read as follows:

Description of fiduciary agent.

"Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his

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." Penalty.

Approved, February 10, 1891.

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.