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be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be fifty dollars or more, or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

Fines, etc.

Oaths.
R. S., D. C., sec. 1060, p. 123, amended.

SEC. 2. That section ten hundred and sixty of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended so that said section shall read:

Officers to administer oaths.

"SEC. 1060 The clerk and the deputy clerks, and such other officers of the court as may be assigned by the judges of the court for that purpose, shall have the power to administer oaths and affirmations."

Approved, July 23, 1892.

July 23, 1892.

CHAP. 237.—An act to accept a bequest made by General George W. Cullum for the erection of a memorial hall at West Point, New York, and to carry the terms and conditions of the same into execution.

Preamble.

Whereas George W. Cullum, colonel of the Corps of Engineers on the retired list, brevet major-general United States Army, a resident of the city of New York, lately deceased, did, by his last will and testament, give and bequeath to the United States the sum of two hundred and fifty thousand dollars upon the terms and conditions that the United States shall build and maintain, in accordance with certain stipulations, upon the public grounds at West Point, New York, a fire-proof memorial hall for certain designated purposes hereinafter specified: Therefore,

Military Academy.
Acceptance of bequest by Gen. G. W. Cullum for memorial hall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said bequest be, and the same hereby is, accepted by the United States under the terms and conditions thereto annexed by the said testator in his said last will and testament; the said sum of two hundred and fifty thousand dollars to be paid into the Treasury of the United States, subject to the disposition hereinafter to be made of the same and for the faithful execution of the objects and purposes of said bequest according to the will of the donor.

Board of trustees.

SEC. 2. That the Superintendent of the United States Military Academy, three other members of the academic board, and Major-General James B. Fry, during his lifetime, be, and they are, constituted a board, by the name of "The Board of Trustees of the Memorial Hall

Duties.

of the United States Military Academy," whose duty it shall be to erect the said memorial hall according to the provisions of the will of the testator, and on completion thereof to transfer the same to the United States for perpetual use as a memorial hall, to be devoted to the objects and purposes as defined in the said will. And the members of the said board of trustees, to be selected as aforesaid, shall be appointed, immediately upon the passage of this act, by the Secretary of War, from members of the academic board of the said academy

Vacancies.

who are graduates thereof. And in the event of any vacancy occurring in the said board of trustees, either by the death or inability to serve of Major-General James B. Fry, or by the death or vacation of office of any member thereof who was appointed by selection from the members of the said academic board, the Secretary of War shall in each case, and from time to time as often as vacancies occur, fill such vacancy by the appointment of a member of the said academic board, who shall be a graduate of the said Military Academy, in the same manner as provided for the original appointments.

Erection of building.

SEC. 3. That when the said sum of two hundred and fifty thousand dollars shall have been paid into the Treasury of the United States the

whole sum shall be, and hereby is, appropriated for the erection of a suitable structure for the purposes of a memorial hall at West Point, New York, upon such site at West Point, New York, as the board of trustees herein created shall recommend and the Secretary of War approve.

Plans to be submitted by board of trustees.

SEC. 4. That the said board of trustees shall, as soon as practicable after the funds appropriated for building purposes in the preceding section shall have become available, determine, by a majority of the whole number of its members, upon a plan and specifications for a building to be erected corresponding to and in accordance with the terms and conditions of the aforesaid bequest, and submit the same to the Secretary of War for his approval, who on behalf of the United States shall then cause a contract to be let, in the same manner as other contracts to which the United States is a party, for the erection of said building, under the direction of the said board of trustees.

Approval by Secretary of War.

Use of funds.
R. S., sec. 3673, p. 722.

SEC. 5. That the funds appropriated in this act shall be drawn from the Treasury as required by section thirty-six hundred and seventy-three, Revised Statutes of the United States, in the case of moneys appropriated for the use of the War Department. And the said board of trustees shall submit to the Secretary of War estimates for his approval, which shall form the basis of his requisition. The funds so drawn shall be disbursed, under the direction of the Secretary of War, by the disbursing officer of the United States Military Academy, upon vouchers certified to by the president and secretary of the said board of trustees for and in behalf of said board, and shall be accounted for by the said disbursing officer in the same manner and under the same conditions as other public funds of the United States: *Provided*, That the authority of the Secretary of War for any expenditure under the provisions of this act shall be conclusive evidence of the legality thereof.

Proviso.
Approval of Secretary of War final.

Purpose of the memorial hall.

SEC. 6. That the memorial hall to be erected under the provisions of this act shall be a receptacle of statues, busts, mural tablets, and portraits of distinguished and deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and to prevent the introduction of unworthy subjects into this hall the selection of each shall be made by not less than two-thirds of the members of the entire academic board of the United States Military Academy, the vote being taken by ayes and nays and to be so recorded.

Organization of trustees.

SEC. 7. That the said board of trustees shall, within thirty days after the passage of this act, meet at West Point, New York, and organize by the election of one of their number as president and another as secretary of said board; and a majority of the whole number shall constitute a quorum for the transaction of business. And the said memorial hall shall be erected under the direction of the said board of trustees, and after being erected shall be maintained, managed, and controlled by the United States in a manner similar to other public buildings at West Point. After the construction of the building and its transfer to the Government the functions of the said board of trustees shall cease.

Termination of duties.

Approved, July 23, 1892.

CHAP. 238.—An act authorizing the Secretary of the Treasury to sell certain lands in the city of Springfield and Commonwealth of Massachusetts.

July 23, 1892.

Springfield, Mass.
Sale of lands authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to sell such lands as have been acquired by the United States in the city of Springfield and the Commonwealth of Massachusetts, by devise, upon such terms, and after such public notice by advertisement, as he may deem best for the public interest.

Approved, July 23, 1892.