

CHAP. 172.—An act to protect Holmead cemetery in the District of Columbia. March 3, 1879.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to and in square number one hundred and nine, in the city of Washington, commonly known as Holmead's cemetery, be, and the same is hereby granted to and vested in the District of Columbia, and shall be used by said District for public school purposes, and for none other. The Commissioners of the District, or their successors in office, may at any time sell any part or the whole of said square; but the proceeds of such sale or sales shall be exclusively invested in sites for public schools or in the erection or purchase of school-buildings, and shall be used for no other purpose whatever. But before making any disposition of the said square, the District of Columbia shall remove all the bodies remaining interred therein to some suitable burial-ground, together with all tombstones or other monuments remaining at the graves from which the bodies are so removed.

District of Columbia.
Holmead cemetery granted to, for school purposes.

May be sold.

Removal of bodies.

Approved, March 3, 1879.

CHAP. 173.—An act to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers", approved May twenty-eighth, eighteen hundred and seventy-two. March 3, 1879.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to provide for furnishing trusses to disabled soldiers", approved May twenty-eighth, eighteen hundred and seventy two, be, and the same is hereby, amended so that said section shall read as follows:

1872, ch. 228,
17 Stat., 164.

That every soldier of the Union Army, or petty-officer, seaman, or marine in the naval service, who was ruptured while in the line of duty during the late war for the suppression of the rebellion, or who shall be so ruptured thereafter in any war, shall be entitled to receive a single or double truss of such style as may be designated by the Surgeon-General of the United States Army as best suited for such disability; and whenever the said truss or trusses so furnished shall become useless from wear, destruction, or loss, such soldier, petty-officer, seaman, or marine shall be supplied with another truss on making a like application as provided for in section two of the original act of which this is an amendment: *Provided,* That such application shall not be made more than once in two years and six months: *And provided further,* That sections two and three of the said act of May twenty-eighth, eighteen hundred and seventy-two, shall be construed so as to apply to petty-officers, seamen, and marines of the naval service, as well as to soldiers of the Army.

Trusses for soldiers and sailors.

Renewals.

Proviso.

Extension of act.

Approved, March 3, 1879.

CHAP. 174.—An act to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia, and the records thereof. March 3, 1879.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all acknowledgments of deeds and other instruments of writing under seal heretofore made in a foreign country, before any secretary of legation, consul, or consular officer of the United States, for lands lying in the District of Columbia, are hereby validated and confirmed, and the same, and the records of the said deeds and instruments, if the said deeds and instruments have been recorded, are declared to be as good and effectual, in behalf of the grantees therein named, and all persons claiming through or under them, as if the said acknowledgments and records had been respectively made and recorded under the provisions of existing laws: *Provided,* That nothing in this act shall be construed divest just rights already ac-

District of Columbia.

Foreign acknowledgments of deeds.

Proviso.

quired in good faith by creditors of or purchasers from the grantors in such deeds or instruments.

Approved, March 3, 1879.

March 3, 1879.

CHAP. 175.—An act for the relief of Philip W. Stanhope.

P. W. Stanhope.
Restored to
Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Philip W. Stanhope, late captain of the Twelfth United States Infantry and brevet lieutenant-colonel of the United States Army, having been placed upon the list of supernumeraries, from which he was mustered, under the mistake of groundless charges as the superinducing cause thereof, the President of the United States be, and he is hereby, authorized to restore him to his proper rank and promotion in the Army, with directions to the Secretary of War, on account of his disabilities incurred in the line of duty, to place him on the retired list, without regard to the limit as to numbers heretofore fixed by law: *Provided*, That he receive no pay or allowances for the time he was out of service, other than that already received at the time of his muster-out: *Provided further*, That he receive no pension while on the retired list.

Retired.

Provisos.

Approved, March 3, 1879.

March 3, 1879.

CHAP. 176.—An act An act to give circuit courts appellate jurisdiction in certain criminal cases.

Circuit courts.
Appellate crim-
inal jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The circuit court for each judicial district shall have jurisdiction of writs of error in all criminal cases tried before the district court where the sentence is imprisonment or fine and imprisonment, or where, if a fine only, the fine shall exceed the sum of three hundred dollars; and in such case a respondent feeling himself aggrieved by a decision of a district court, may except to the opinion of the court, and tender his bill of exceptions, which, shall be settled and allowed according to the truth, and signed by the judge, and it shall be a part of the record of the case.

Writ of error.

SEC. 2. Within one year next after the end of the term at which such sentence shall be pronounced, and not after, the respondent may petition for a writ of error from the judgment of the district court in the cases named in the preceding section, which petition shall be presented to the circuit judge or circuit justice in term or vacation, who, on consideration of the importance and difficulty of the questions presented in the record, may allow such writ of error, and may order that such writ shall operate as a stay of proceedings under the sentence; but the allowance of such writ shall not so operate without such order. The judge or justice allowing such writ of error shall take a bond with sufficient sureties that the same shall be prosecuted to effect, and that the respondent shall abide the judgment of the circuit court thereon. And if the writ shall be allowed to operate as a stay of proceedings under the sentence, bail may in like manner be taken for the appearance of the respondent at the term of the circuit court to which such writ of error shall be returnable, and that he will not depart without leave of court.

Bond.

Bail.

Return.

SEC. 3. Such writ of error so allowed shall be returnable to the next regular term of the circuit court for the district, and shall be served on the district attorney of the United States for such district. The circuit court may advance all such writs of error on its docket in order that speedy justice may be done. And in case of an affirmance of the judgment of the district court, the circuit court shall proceed to pronounce final sentence and to award execution thereon; but if such judgment shall be reversed, the circuit court may proceed with the trial of said cause de novo, or remand the same to the district court for further proceedings.

Proceedings.

Approved, March 3, 1879.