

Provisos.
Examination.
R. S., secs. 1496, 1493,
pp. 259, 258.

No pay, etc.

Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section fourteen hundred and ninety-six of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

Approved, January 19, 1901.

January 22, 1901.

CHAP. 105.—An Act To divide the State of West Virginia into two judicial districts.

West Virginia divided into two judicial districts.
R. S., sec. 531, p. 89, amended.

—northern district, of what constituted.

—southern.

Existing judicial officers to act in northern district.

Marshal and district attorney.
Northern district.

Southern district.
Judge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

SEC. 2. That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

SEC. 3. That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this Act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, who shall possess and exercise all the powers conferred by existing law upon the judges of

the district courts of the United States, and who shall, as to all business and proceedings arising in said southern judicial district as hereby constituted, or transferred thereto, succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed by and performed by the district judge of the district of West Virginia.

SEC. 6. That the marshal and district attorney of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the marshal and district attorney, respectively, for the southern judicial district of West Virginia as constituted by this Act until the expiration of their respective terms, or until their successors, respectively, shall be appointed and qualified. All other officers residing within said southern district of West Virginia as constituted by this Act shall continue as such officers until the expiration of their respective terms and until their successors, respectively, shall be duly appointed and qualified. The clerk of the circuit and district courts in the southern judicial district of West Virginia as hereby constituted shall be appointed under the provisions of existing law.

Existing marshal and district attorney to act in southern district.

—other officers to complete term, etc.

SEC. 7. That the salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of West Virginia as heretofore constituted.

Existing salaries unchanged.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the northern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the northern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said northern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the southern judicial district of West Virginia as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and same shall be proceeded with in the southern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district of West Virginia, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy now pending in said judicial district of West Virginia as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said northern judicial district of West Virginia as constituted by this Act.

Pending cases transferred to northern district.

—to southern district

Proviso.
Disposition of cases in which evidence has been taken before present district judge.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling on the first Tuesday of April and third Tuesday of September. At Clarks-

Terms of court, northern district.

- burg on the third Tuesday of April and first Tuesday of October. At Martinsburg on the third Tuesday of October. And the circuit court shall be held at Parkersburg, beginning on the second Tuesday of January and second Tuesday of June of each year.
- southern district. That the regular terms of the circuit and district courts of the United States for the southern district of West Virginia shall begin at the following times and places in each year: At Charleston on the first Tuesday of May and second Tuesday of November. At Huntington, in the county of Cabell, on the first Tuesday of April and third Tuesday of September. At Bluefield, in the county of Mercer, on the first Tuesday of June and the first Tuesday of December.
- Adjournment, etc. SEC. 10. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.
- Adjournment in case of nonattendance of judge. SEC. 11. That the provisions of section five hundred and eighty-four of the Revised Statutes are hereby extended to said districts hereby created.
- R. S., sec. 584, p. 103.
- Jurisdiction of future crimes, etc. SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.
- Repeal. SEC. 13. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.
- Effect. SEC. 14. That this Act shall take effect on the first day of July, nineteen hundred and one.
- Approved, January 22, 1901.

January 22, 1901.

CHAP. 106.—An Act To authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department.

Postal service.
Lease of premises
for rural free-delivery
system authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the rural free-delivery system, at a cost not to exceed four thousand dollars per annum, payable out of the appropriation for that service.

Approved, January 22, 1901.

January 22, 1901.

CHAP. 107.—An Act To supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

General Land Office.
Deficiency appro-
priation for transcripts
of records and plats.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine thousand three hundred and fifty dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation made for the fiscal year nineteen hundred and one, for furnishing transcripts of records and plats, General Land Office, to be expended under the direction of the Secretary of the Interior: *Provided,* That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of two dollars per day while actually employed, at such times and for such periods as exigencies of the work may demand.

Proviso.
Employment of
copyists.

Approved, January 22, 1901.