

July 20, 1892.

CHAP. 208.—An act to provide for holding terms of court in the district of Montana.

Montana judicial district. Southern division established.

Terms at Butte City.

Jurisdiction.

Pending actions not affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory embraced within the following counties in the district of Montana, to wit: Beaver-head County, Madison County, and the county of Silver Bow shall hereafter constitute and be known as the southern division of the district of Montana, and regular terms of the circuit and district courts of the United States for said district may be held at Butte City, Montana, on the first Tuesday in February and the first Tuesday in September of each year; and the said courts so sitting at Butte shall have and exercise the same jurisdiction and authority in all civil actions, pleas, or proceedings, and in all prosecutions, informations, indictments, or other criminal or penal proceedings conferred by the general laws on the district and circuit courts of the United States; and where one or more defendants in any civil cause shall reside in said division, and one or more defendants to such cause shall reside out of said division, but in said district, then the plaintiff may institute his action either in the court having jurisdiction over the latter or in the said division. That this act shall not affect the jurisdiction, power, and authority of the court as to actions, prosecutions, and proceedings already begun and pending in said district, but the same will proceed as though this act had not been passed, except that the court shall have power, which it may exercise at discretion, to transfer to the court in said division such of said pending actions, prosecutions, and proceedings as might properly be begun therein under the provisions of this act.

Approved, July 20, 1892.

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CHAP. 209.—An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court.

United States courts. Entering suits without paying costs.

Affidavit of poverty.

Affidavit when demand for fees, etc., is made.

Process, etc., to issue.

Assignment of counsel.

Costs on judgment. *Proviso.* Nonliability of United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any citizen of the United States, entitled to commence any suit or action in any court of the United States, may commence and prosecute to conclusion any such suit or action without being required to prepay fees or costs, or give security therefor before or after bringing suit or action, upon filing in said court a statement under oath, in writing, that, because of his poverty, he is unable to pay the costs of said suit or action which he is about to commence, or to give security for the same, and that he believes he is entitled to the redress he seeks by such suit or action, and setting forth briefly the nature of his alleged cause of action.

SEC. 2. That after any such suit or action shall have been brought, or that is now pending, the plaintiff may answer and avoid a demand for fees or security for costs by filing a like affidavit, and wilful false swearing in any affidavit provided for in this or the previous section, shall be punishable as perjury is in other cases.

SEC. 3. That the officers of court shall issue, serve all process, and perform all duties in such cases, and witnesses shall attend as in other cases, and the plaintiff shall have the same remedies as are provided by law in other cases.

SEC. 4. That the court may request any attorney of the court to represent such poor person, if it deems the cause worthy of a trial, and may dismiss any such cause so brought under this act if it be made to appear that the allegation of poverty is untrue, or if said court be satisfied that the alleged cause of action is frivolous or malicious.

SEC. 5. That judgment may be rendered for costs at the conclusion of the suit as in other cases: *Provided,* That the United States shall not be liable for any of the costs thus incurred.

Approved, July 20, 1892.

July 21, 1892.

CHAP. 214.—An act granting the right of way to the Mexican Gulf, Pacific and Puget Sound Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said Railroad Company over and through the United States naval and military reservations near Pensacola, in the State of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mexican Gulf, Pacific and Puget Sound Railroad Company, a company organized under the laws of the States of Florida and Alabama, is hereby granted the right of way, one hundred feet in width, through the lands belonging to the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and through the reservations lying near Pensacola, in the State of Florida, known as the naval and military reservations. The said The Mexican Gulf, Pacific and Puget Sound Railroad Company is hereby granted also the privilege and authority to use such timber, gravel, stone, and all materials within the said right of way through lands belonging to the United States, except said naval and military reservations, as may be necessary in the construction and operation of the said The Mexican Gulf, Pacific and Puget Sound Railroad.

SEC. 2. That the line and location of the right of way to the said The Mexican Gulf, Pacific and Puget Sound Railroad Company through the naval and military reservations near Pensacola, Florida, shall be subject to the approval and under the control of the Secretary of the Navy and the Secretary of War: *Provided*, That the said railroad company, on notification by the Secretaries of the Navy and War, shall, within a reasonable time thereafter, construct, maintain, and operate at its own expense a spur track or tracks to enter into and be located at such place or places within the present limits of the navy-yard inclosure on said reservation as may be designated by the Secretary of the Navy: *And provided further*, That the Secretaries of the Navy and War be, and are hereby, authorized to allow the use by the said company, in the accommodation of its general traffic and the maintenance of a coaling station, of so much of the land and water front of the said reservation lying west of and outside the present navy-yard inclosure as in their judgment will not be required for naval or army purposes, and as will not be a hindrance to the public defense nor prejudicial to the health of those residing on the Government reservation and not to exceed in any one case three hundred feet of water front, which width may extend back along the line of said road not more than one thousand feet; the value of the use of land to be appraised by a board of naval officers, to be appointed by the Secretary of the Navy: *And provided further*, That said company shall reimburse the residents of said reservation for any damages to their property or tenements caused by the construction, excavation, or operation of said road, such damage in all cases to be fixed by the said board: *And provided further*, That the right of way and other privileges granted in this section shall be subject to the regulation and control of the said Secretaries, and shall be inoperative, null, and void unless the said railroad company shall complete the construction of and have in use its tracks within two years from the date of the passage of this act.

SEC. 3. That the Secretaries of the Navy and War may, at any time they shall deem it necessary for the public good, cause to be removed or destroyed all or any of the structures hereby permitted on the naval and military reservations near Pensacola, Florida, without liability for damages; and the said company shall not erect or allow the use of any residences on said reservation, nor shall it erect any structures of any kind thereon, except such as the Secretaries of the Navy and War shall approve; and all approvals in this act required shall be in writing.

SEC. 4. That Congress expressly reserves the right to alter, amend, or repeal this act, in whole or in part, without any liability on the part of the United States for any damages or losses sustained by said company.

Approved, July 21, 1892.

Mexican Gulf, Pacific and Puget Sound Railroad Company granted right of way through public lands in Florida, Alabama, Mississippi, and Tennessee.
Pensacola.

Use of timber, etc.

Location through reservations. Pensacola to be approved by Secretaries of War and Navy.

Proviso.

Track to navy-yard.

Coaling station.

Damages.

Regulation.

Removal of structures.

Structures to be approved by Secretaries of War and Navy.

Amendment, etc.