

the homestead, preemption, timber-culture, desert-land, and timber and stone Acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising federal jurisdiction in the territory or before the judge or clerk of any court of record in the land district in which the lands are situated: *Provided*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

“For each affidavit, twenty-five cents.

“For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

“For each deposition of claimant or witness, prepared by the officer, one dollar.

“Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars.”

Approved, March 11, 1902.

Proviso.
Affidavits taken out
of county.

Penalty for false
swearing.

Fees for entries, etc.

Penalty for excess-
ive fees.

March 11, 1902.

[Public, No. 40.]

Texas judicial districts established.
R. S., sec. 548, p. 92,
amended.

Northern district.

Counties constituting.

CHAP. 183.—An Act To divide the State of Texas into four judicial districts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas is divided into four judicial districts, which shall be called the northern, the eastern, the southern, and the western judicial districts of the State of Texas.

The northern judicial district includes the following counties and the waters thereof:

Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Comanche, Hood, Erath, Tarrant, Parker, Palo Pinto, Wise, Clay, Jack, Young, Wichita, Wilbarger, Archer, Baylor, Cottle, Hardeman, Motley, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Deaf Smith, Randall, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Dallam, Eastland, Stephens, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Fisher, Stonewall, Kent, Dickens, King, Crosby, Garza, Lubbock, Gaines, Andrews, Mitchell, Scurry, Borden, Howard, Martin, Midland, Glasscock, Sterling, Coke, Tom Green, Crockett, Schleicher, Sutton, Irion, Mills, Runnels, Coleman, Brown, Bailey, Castro, Cochran, Dawson, Floyd, Foard, Hale, Hockley, Lamb, Lynn, Parmer, Swisher, Terry, Upton, Yoakum, Concho, and Menard.

The eastern judicial district includes the following counties and the waters thereof:

Eastern district.

Cooke, Denton, Montague, Collin, Grayson, Liberty, Jefferson, Orange, Newton, Jasper, Hardin, Tyler, San Augustine, Sabine, Shelby, Nacogdoches, Angelina, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Van Zandt, Rains, Gregg, Wood, Upshur, Harrison, Marion, Cass, Bowie, Red River, Titus, Camp, Hopkins, Morris, Franklin, Lamar, Fannin, and Delta.

Counties constituting.

The southern judicial district includes the following counties and the waters thereof:

Southern district.

Polk, Trinity, Madison, Brazos, Grimes, Walker, San Jacinto, Montgomery, Harris, Chambers, Galveston, Brazoria, Fort Bend, Waller, Austin, Colorado, Lavaca, Wharton, Matagorda, Jackson, Victoria, Goliad, Calhoun, Refugio, Aransas, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, Dimmit, Lasalle, McMullen, and Duval.

Counties constituting.

The western judicial district includes the following counties and the waters thereof:

Western district.

Maverick, Bee, Live Oak, Karnes, Dewitt, Gonzales, Guadalupe, Wilson, Atascosa, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, Zavalla, Uvalde, Kinney, Pecos, Presidio, El Paso, Fayette, Washington, Burleson, Milam, Robertson, Leon, Freestone, Limestone, Hill, Bosque, Somervell, Hamilton, Coryell, McLennan, Falls, Bell, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Burnet, Gillespie, Llano, Mason, McCulloch, Kimble, San Saba, Lampasas, Brewster, Winkler, Ward, Valverde, Crane, Ector, Jeff Davis, Loving, and Reeves.

Counties constituting.

Post, p. 820.

SEC. 2. That the district judge of the northern judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the northern judicial district as hereby constituted; the district judge of the eastern judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the eastern judicial district as hereby constituted, and the district judge of the western judicial district as heretofore constituted and in office when this Act takes effect shall be the district judge of the western judicial district as hereby constituted.

Judge for northern district.

Eastern district

Western district.

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 Texas as hereby constituted, 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 said southern judicial district as are now possessed and performed by the district judges of the judicial districts in said State of Texas.

Appointment of judge for southern district

SEC. 3. That the clerk of the circuit court and the clerk of the district court in the northern judicial district as heretofore constituted and in office when this Act takes effect shall continue to be the clerks of the circuit and district courts, respectively, of the northern judicial district as hereby constituted, until their successors respectively shall be appointed and qualified.

Clerks. Northern district.

The clerk of the circuit court and the clerk of the district court of the eastern judicial district as heretofore constituted and in office when this Act takes effect shall be the clerks of the said courts, respectively, in the southern judicial district as hereby constituted until their successors respectively shall be appointed and qualified. The district judge of the said eastern judicial district as hereby constituted is hereby authorized and empowered to appoint a clerk of the district court in said district, and the judge of the circuit court is

Southern district.

Eastern district.

- authorized and empowered to appoint a clerk of said circuit court in said district in the manner provided by law and said clerks respectively shall possess the powers and perform the duties within said judicial district conferred by law on the clerks of circuit and district courts.
- Western district. The clerk of the circuit court and the clerk of the district court of the western judicial district as heretofore constituted shall continue to be the clerks of the circuit and district courts, respectively, of the western judicial district as hereby constituted until their successors respectively shall be appointed and qualified.
- Marshals.
Northern, eastern,
and western districts. SEC. 4. That the marshals of the northern, eastern, and western judicial districts as heretofore constituted and in office when this Act takes effect shall continue to be the marshals of said northern, eastern, and western judicial districts as hereby constituted, respectively, and until their successors, respectively, shall be appointed and qualified.
- Southern district. The President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal for the southern judicial district of Texas as hereby constituted, who shall within his jurisdiction possess and exercise all the powers conferred by existing law upon the marshals of the United States.
- District attorneys.
Northern and western districts. SEC. 5. That the district attorneys for the northern and western judicial districts as heretofore constituted shall continue to be the district attorneys of the northern and western judicial districts as hereby constituted, respectively, and until their successors, respectively, are appointed and qualified.
- Southern district. The district attorney for the eastern judicial district as heretofore constituted shall continue to be the district attorney for the southern judicial district as hereby constituted and until his successor is appointed and qualified, with the same salary he is now receiving.
- Eastern district. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district attorney for said eastern judicial district of Texas as hereby constituted, who within his jurisdiction shall possess and exercise all the power conferred by existing law upon the district attorneys of the United States.
- Appointments. SEC. 6. That the office of judge, marshal, and district attorney in each of said judicial districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the division of the State of Texas into four judicial districts and by the provisions of this Act, and all vacancies created by said division, in either of said districts, as constituted by this Act or hereafter occurring, shall be filled in the manner provided by existing law. 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 said judicial districts of Texas as heretofore constituted, except as herein provided.
- Salaries. SEC. 7. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial districts of the State of Texas as heretofore constituted, whereof the courts of the southern judicial district of the State of Texas 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 the same are hereby, transferred to and the same shall be proceeded with in the southern judicial district of the State of Texas as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern 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 several judicial districts of Texas as heretofore constituted, whereof the courts of the several judicial districts of
- Pending causes.

the State of Texas as hereby constituted would have had jurisdiction if said districts and the courts thereof had been constituted as under the provisions of this Act when said causes or proceedings were instituted, shall be, and the same are hereby, transferred to, and the same shall be proceeded with in the said several judicial districts of the State of Texas as hereby constituted the same as if said judicial districts had been constituted and created as by the provisions of this Act, when such causes or proceedings were instituted and jurisdiction thereof is hereby transferred to and vested in the courts of said judicial districts, respectively, as hereby constituted, 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 the judicial districts of Texas as heretofore constituted in which the evidence has been taken in whole or in part before the present district judges of the judicial districts of Texas as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judges, respectively, shall be proceeded with and disposed of in the said judicial districts, respectively, as heretofore constituted, where said motions and causes were submitted or where such evidence was taken in whole or in part or taken in whole or in part and submitted and passed upon as hereinbefore mentioned.

Proviso.
Disposal of causes where evidence has been taken.

SEC. 8. That all prosecutions for crimes or offenses hereafter committed in either of said judicial districts as hereby constituted 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 yet been found or proceedings instituted shall be cognizable within the judicial district as hereby constituted in which such crimes or offenses were committed.

Criminal prosecutions.

SEC. 9. That all process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, and Hunt shall be returned to Dallas.

Returns of process.
Dallas.

That all process issued against defendants residing in the counties of Comanche, Hood, Erath, Tarrant, Parker, Palo Pinto, Wise, Clay, Jack, Young, Archer, Wichita, Wilbarger, Baylor, Bailey, Hardeman, Cottle, Motley, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Dallam, Foard, Parmer, Swisher, Castro, Lamb, Hale, Floyd, Cochran, Dawson, and Hockley shall be returned to Fort Worth.

Fort Worth.

That all process issued against defendants residing in the counties of Eastland, Stephens, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Fisher, Stonewall, Kent, Dickens, King, Crosby, Garza, Lubbock, Gaines, Andrews, Mitchell, Scurry, Borden, Howard, Martin, Midland, Yoakum, Terry, and Lynn shall be returned to Abilene.

Abilene.

That all process issued against defendants residing in the counties of Glasscock, Sterling, Coke, Tom Green, Crockett, Schleicher, Sutton, Irion, Mills, Runnels, Coleman, Concho, Menard, Brown, and Upton shall be returned to San Angelo.

San Angelo.

That all process issued against defendants residing in the counties of Fayette, Washington, Burleson, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Gillespie, Burnet, Llano, Mason, Kimble, McCulloch, San Saba, and Lampasas shall be returned to Austin.

Austin.

That all process issued against defendants residing in the counties of Bee, Live Oak, Karnes, Dewitt, Gonzales, Guadalupe, Wilson, Atascosa, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, Uvalde, Zavalla, Kinney, Maverick, and Valverde shall be returned to San Antonio.

San Antonio.

El Paso.	That all process issued against defendants residing in the counties of El Paso, Pecos, Presidio, Reeves, Loving, Winkler, Ward, Ector, Crane, Jeff Davis, and Brewster shall be returned to El Paso.
Laredo.	That all process issued against defendants residing in the counties of Zapata, Webb, Duval, Dimmit, Lasalle, McMullen, Nueces, San Patricio, Aransas, and Refugio shall be returned to Laredo.
Tyler.	That all process issued against defendants residing in the counties of Shelby, Nacogdoches, Angelina, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Van Zandt, Rains, Gregg, and Wood shall be returned to Tyler.
Beaumont.	That all process issued against defendants residing in the counties of Jefferson, Liberty, Orange, Newton, Jasper, Hardin, Tyler, San Augustine, and Sabine shall be returned to Beaumont.
Sherman.	That all process issued against defendants residing in the counties of Grayson, Cooke, Montague, Denton, and Collin shall be returned to Sherman.
Jefferson.	That all process issued against defendants residing in the counties of Upshur, Harrison, Marion, Cass, Bowie, Titus, Camp, Hopkins, Morris, and Franklin shall be returned to Jefferson.
Paris.	That all process issued against defendants residing in the counties of Lamar, Fannin, Red River, and Delta shall be returned to Paris.
Waco.	That all process issued against defendants residing in the counties of Milam, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Somervell, and Hill shall be returned to Waco.
Brownsville.	That all process issued against defendants residing in the counties of Cameron, Hidalgo, and Starr shall be returned to Brownsville.
Galveston.	That all process issued against defendants residing in the counties of Austin, Fort Bend, Matagorda, Wharton, Brazoria, Galveston, and Chambers shall be returned to Galveston.
Houston.	That all process issued against defendants residing in the counties of Goliad, Victoria, Calhoun, Jackson, Lavaca, Colorado, Waller, Grimes, Brazos, Madison, Trinity, Walker, Montgomery, San Jacinto, Polk, and Harris shall be returned to Houston.
Counties hereafter created.	SEC. 10. That all process issued against defendants residing in any county which may hereafter be created by law shall be returned to the nearest place for holding court in the judicial district within which said county is formed. That if there be more than one defendant, and they reside in different divisions of the district or in different districts, the plaintiff may sue in either division, or in either district in which one or more defendants may reside, and send duplicate writ or writs to the other defendant or defendants, on which the clerk issuing the writ shall indorse that the writ thus sent is a copy of a writ sued out of the court of the proper division of said district, and said writs, when executed and returned into the office from which they were issued, shall constitute one suit, and be proceeded in accordingly:
Serving process on two or more defendants.	<i>Provided</i> , That suits and actions affecting the title to or to foreclose liens on real estate shall be brought in the district and in the division thereof in which said real estate is, in whole or in part, situate.
Provisos. Real actions.	SEC. 11. That the United States circuit and district courts for the southern district of Texas shall be held in each year at the times and places as follows:
Terms. Southern district.	At Galveston, in the county of Galveston, on the second Monday of January and the first Monday of June.
Galveston.	At Houston, in the county of Harris, on the fourth Monday of February and the fourth Monday of September.
Houston.	At Laredo, in the county of Webb, on the third Monday of April and the second Monday of November.
Laredo.	At Brownsville, in the county of Cameron, on the second Monday of May and the first Monday of December.
Brownsville.	

SEC. 12. That the United States circuit and district courts for the northern district of Texas shall be held in each year at the times and places as follows:

At Dallas, in the county of Dallas, on the second Monday of January and the first Monday of May.

At Fort Worth, in the county of Tarrant, on the first Monday of November and the second Monday of March.

At Abilene, in the county of Taylor, on the first Monday of October and the second Monday of April.

At San Angelo, in the county of Tom Green, on the third Monday of October and the fourth Monday of April.

SEC. 13. That the United States circuit and district courts for the eastern district of Texas shall be held in each year at the times and places as follows:

At Tyler, in the county of Smith, on the fourth Monday of January and the fourth Monday of April.

At Jefferson, in the county of Marion, on the first Monday of October and the third Monday of February.

At Beaumont, in the county of Jefferson, on the third Monday of November and the first Monday of April.

At Sherman, in the county of Grayson, on the first Monday of January and the third Monday of May.

At Paris, in the county of Lamar, on the fourth Monday of October and the second Monday of March.

SEC. 14. That the United States circuit and district courts for the western district of Texas shall be held in each year at the times and places as follows:

At Austin, in the county of Travis, on the third Monday of January and the second Monday of June.

At Waco, in the county of McLennan, on the first Monday of March and the fourth Monday of September.

At San Antonio, in the county of Bexar, on the second Monday of April and the fourth Monday of November.

At El Paso, in the county of El Paso, on the second Monday of May and the first Monday of November.

SEC. 15. That the marshal and district attorney for the southern judicial district of the State of Texas created and appointed under the provisions of this Act shall each receive a compensation or salary of three thousand five hundred dollars per annum, payable as the marshals and district attorneys in the other districts are paid under the provisions of existing law, and the marshals and their deputies shall give the bond required of marshals and deputy marshals under the provisions of existing law.

SEC. 16. That the clerk of the district court appointed in the southern judicial district as created by this Act shall reside at one of the places designated therein for holding courts, and such clerk shall appoint at least three deputies, one of whom shall reside at each of the other places in said district designated for holding courts therein.

SEC. 17. That each of the referees in bankruptcy residing in the several judicial districts of the State of Texas as constituted by this Act shall continue to act as such within their respective districts, and all proceedings commenced and pending before them respectively at the time this Act goes into effect shall be continued and disposed of in the court and district to which jurisdiction thereof is given by the provisions of this Act.

SEC. 18. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

SEC. 19. No provision in this Act contained shall be construed to continue in office any officer of said courts or judicial districts for a term longer than that for which he was appointed or to limit or

Northern district.

Dallas.

Fort Worth.

Abilene.

San Angelo.

Eastern district.

Tyler.

Jefferson.

Beaumont.

Sherman.

Paris.

Western district.
Post, p. 785.

Austin.

Waco.

San Antonio.

El Paso.

Southern district,
Marshal and district
attorney.
Salaries.

Clerk.

Deputies.

Referees in bank-
ruptcy.

Inconsistent laws
repealed.

Tenure of office.

restrict the power of removal in accordance with the provisions of existing law.

In effect July 1, 1902.

SEC. 20. That this Act shall take effect on the first day of July, nineteen hundred and two.

Approved, March 11, 1902.

March 14, 1902.

[Public, No. 41.]

CHAP. 216.—An Act For the purchase or construction of a launch for the customs service at and in the vicinity of Astoria, Oregon.

Astoria, Oreg.
Launch for customs
service.

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 be, and he is hereby, authorized to purchase or have constructed for the customs service a suitable launch, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Astoria, Oregon; and the cost thereof shall not exceed the sum of ten thousand dollars.

Approved, March 14, 1902.

March 14, 1902.

[Public, No. 42.]

CHAP. 217.—An Act To approve and ratify an act of the legislative assembly of the Territory of Arizona, entitled "An act to provide for the collection, arrangement and display of the products of the Territory of Arizona at the international exposition to be held at St. Louis in 1903."

Arizona.
Exhibit of products
at Louisiana Purchase
Exposition approved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That act numbered eighty-six of the legislative assembly of the Territory of Arizona, approved March twenty-first, nineteen hundred and one, entitled "An act to provide for the collection, arrangement and display of the products of the Territory of Arizona at the international exposition to be held at St. Louis in 1903," be, and the same hereby is, approved and ratified.

Approved, March 14, 1902.

March 14, 1902.

[Public, No. 43.]

CHAP. 218.—An Act To amend an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," approved March third, nineteen hundred and one.

Bluff Shoal, Pamlico
Sound, N. C.
Light-house to be
built at.
Vol. 31, p. 1138,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," approved March third, nineteen hundred and one, be, and the same is hereby, amended by striking out the words "Northwest Point Royal Shoal light station, North Carolina: For rebuilding this light-house, thirty thousand dollars," and inserting in place thereof the following:

Location changed
from Northwest Point
Royal Shoal.

"For rebuilding the light-house now at Northwest Point Royal Shoal, North Carolina, at a point on or near Bluff Shoal, Pamlico Sound, North Carolina, thirty thousand dollars."

Approved, March 14, 1902.