

required for the purpose now authorized they shall be returned and delivered to the United States at such point as the Secretary of War may designate, and the care of said guns and carriages shall be at the expense of the city of Boston while in the possession of said city for the park purposes hereinbefore set forth

Approved, April 20, 1904.

CHAP. 1400.—An Act Conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Arkansas.

April 20, 1904.
[H. R. 13350.]

[Public, No. 124.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered seven, set upon the west line of Reserve avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain street to a stone monument numbered forty-two and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain street to its intersection with Central avenue or to stone monument numbered thirty-three; thence south along the east line of Central avenue to where the same is intersected by Reserve avenue at stone monument numbered thirty; thence along the north boundary line of Reserve avenue to stone monument numbered seven, the point of commencement; all in township two south, range nineteen west, in the county of Garland and State of Arkansas, being a part of the permanent United States Hot Springs Reservation," sole and exclusive jurisdiction over which was ceded to the United States by an act of the general assembly of the State of Arkansas, entitled "An act ceding jurisdiction to the United States over a part of the Hot Springs Mountain Reservation," approved February twenty-first, nineteen hundred and three, which cession is hereby accepted, or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein: *Provided,* That nothing in this Act shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas; that all fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas: *And provided further,* That this Act shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section five of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to regulate the granting of leases at Hot Springs, Arkansas, and for other purposes."

Hot Springs Mountain Reservation, Ark.
Cession of jurisdiction by Arkansas in, accepted.
Vol. 19, p. 377.

Provisos.
Jurisdiction of Arkansas courts.

Taxation.

Vol. 26, p. 844.

To be part of Arkansas eastern judicial district.

Protection to property, etc.

Sec. 2. That said above-described portion of said reservation shall constitute a part of the eastern United States judicial district of Arkansas, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

Sec. 3. That any person who shall, within the said above-mentioned tract, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber.

- garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars and be adjudged to pay all costs of the proceedings.
- Penalty.
- Bathing, etc., restrictions.
- SEC. 4. That any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, and which he is hereby authorized and directed to make, enter or attempt to enter upon said described tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs Reservation as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars, and be adjudged to pay all costs of the proceedings: *Provided*, That no physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered: *And provided further*, That if any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered.
- Penalty.
- Proviso.*
Soliciting patronage by registered physicians forbidden.
- Only permits by registered physician valid.
- Punishment of offenses.
- SEC. 5. That if any act shall be committed within said boundaries which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by this Act, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries.
- Arrests.
- SEC. 6. That such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section four of this Act is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of this Act, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of one hundred dollars to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the eastern district of Arkansas. The said United States district court shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals.
- Appeal.
- Rules of procedure.
- Process in other criminal offenses.
- SEC. 7. That said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section six of this Act, to hear the

evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court for the eastern district of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs.

Provido.
Bail.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or this Act, or doing anything with reference to the matters which in section four of this Act the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations.

Arrests may be made
by police, etc.

SEC. 9. That the commissioner referred to in this Act and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district.

Ante, p. 168.

Fees, etc.

SEC. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

Payment of fees,
etc.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said reservation may be situated.

Fines, etc.

SEC. 12. That all persons who may be imprisoned for nonpayment of any fine, or costs, provided for by this Act, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated.

Imprisonment for
nonpayment.

SEC. 13. That upon the conviction of a party upon trial by said commissioner, or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding.

Execution of sen-
tence.

Approved, April 20, 1904.

CHAP. 1402.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes.

April 21, 1904.

[H. R. 12684.]

[Public, No. 125.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nine-

Indian Department
appropriations.