"The territory composing the counties of Ada, Boise, Blaine, Cassia, Canyon, Elmore, Lincoln, Owyhee, and Washington, including any and all Indian reservations within said territory, constitute the central division, the court for which must be held at Boise City.

"The territory composing the counties of Bingham, Bannock, Bear Lake, Custer, Fremont, Lemhi, and Oneida, including any and all Indian reservations within such territory, constitute the southern division, the court for which must be held at the town of Pocatello.

"That any new county created out of any of such territory shall remain a part of the division out of which it, or the larger portion thereof, shall be created, but if a portion of a county of one division shall be attached to a county of another division, it shall become a part of the latter division."

SEC. 2. That section six of said Act approved July fifth, eighteen hundred and ninety-two, as amended by the Act approved November third, eighteen hundred and ninety-three, be amended to read as follows:

"SEC. 6. That the terms of the district court for the district of the State of Idaho shall be held at the town of Moscow, beginning on the second Monday of May and the fourth Monday of October in each year; at Boise City, beginning on the second Monday of March and the second Monday of September in each year; and at the town of Pocatello, beginning on the second Monday of April and the first Monday of October in each year; and the provision of statute now existing for the holding of said courts on any day contrary to the provisions of this Act is hereby repealed; and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in, the said respective terms in this Act provided, in the same manner and with the same effect as they would have had said existing statute not been passed."

SEC. 3. That this Act shall take effect from its approval.

Approved, June 1, 1898.

CHAP. 370.—An Act Concerning carriers engaged in interstate commerce and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States.

The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this Act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: Provided, however, That this Act shall not be held to apply to employees of street railroads and shall apply only to...
employees engaged in railroad train service. In every such case the
Carrier shall be responsible for the acts and defaults of such employees
in the same manner and to the same extent as if said cars were owned
by it and said employees directly employed by it, and any provisions to
the contrary of any such lease or other contract shall be binding only
as between the parties thereto and shall not affect the obligations of
carrier either to the public or to the private parties concerned.

SEC. 2. That whenever a controversy concerning wages, hours of
labor, or conditions of employment shall arise between a carrier subject
to this Act and the employees of such carrier, seriously interrupting
or threatening to interrupt the business of said carrier, the chairman
of the Interstate Commerce Commission and the Commissioner of Labor
shall, upon the request of either party to the controversy, with all
practicable expedition, put themselves in communication with the
parties to such controversy, and shall use their best efforts, by mediation
and conciliation, to amicably settle the same; and if such efforts
shall be unsuccessful, shall at once endeavor to bring about an arbitra-
tion of said controversy in accordance with the provisions of this Act.

SEC. 3. That whenever a controversy shall arise between a carrier
subject to this Act and the employees of such carrier which can not be
settled by mediation and conciliation in the manner provided in the
preceding section, said controversy may be submitted to the arbitration
of a board of three persons, who shall be chosen in the manner follow-
ing: One shall be named by the carrier or employer directly interested;
the other shall be named by the labor organization to which the
employees directly interested belong, or, if they belong to more than
one, by that one of them which specially represents employees of the
same grade and class and engaged in services of the same nature as
said employees so directly interested: Provided, however, That when
a controversy involves and affects the interests of two or more classes
and grades of employees belonging to different labor organizations,
such arbitrator shall be agreed upon and designated by the concurrent
action of all such labor organizations; and in cases where the majority
of such employees are not members of any labor organization, said
employees may by a majority vote select a committee of their own
number, which committee shall have the right to select the arbitrator
on behalf of said employees. The two thus chosen shall select the
third commissioner of arbitration; but, in the event of their failure to
name such arbitrator within five days after their first meeting, the
third arbitrator shall be named by the commissioners named in the
preceding section. A majority of said arbitrators shall be competent
to make a valid and binding award under the provisions hereof. The
submission shall be in writing, shall be signed by the employer and
by the labor organization representing the employees, shall specify the
time and place of meeting of said board of arbitration, shall state the
questions to be decided, and shall contain appropriate provisions by
which the respective parties shall stipulate, as follows:
First. That the board of arbitration shall commence their hearings
within ten days from the date of the appointment of the third arbitra-
tor, and shall find and file their award, as provided in this section,
within thirty days from the date of the appointment of the third arbi-
trator; and that pending the arbitration the status existing immediately
prior to the dispute shall not be changed: Provided, That no employee
shall be compelled to render personal service without his consent.
Second. That the award and the papers and proceedings, including
the testimony relating thereto certified under the hands of the arbitra-
tors and which shall have the force and effect of a bill of exceptions,
shall be filed in the clerk's office of the circuit court of the United
States for the district wherein the controversy arises or the arbitration
is entered into, and shall be final and conclusive upon both parties,
unless set aside for error of law apparent on the record.
Third. That the respective parties to the award will each faithfully
execute the same, and that the same may be specifically enforced in

| employees engaged in railroad train service. | Responsibility of carrier on leased cars. |
| In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned. |
| SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this Act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this Act. |
| SEC. 3. That whenever a controversy shall arise between a carrier subject to this Act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: Provided, however, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

| First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: Provided, That no employee shall be compelled to render personal service without his consent. |
| Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record. |
| Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in |

| employees engaged in railroad train service. | Responsibility of carrier on leased cars. |
| In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned. |
| SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this Act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this Act. |
| SEC. 3. That whenever a controversy shall arise between a carrier subject to this Act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: Provided, however, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

| First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: Provided, That no employee shall be compelled to render personal service without his consent. |
| Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record. |
| Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in |
Provided, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section four. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. That the award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. That for the purposes of this Act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify, and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. That every agreement of arbitration under this Act shall be acknowledged by the parties before a notary public or clerk of a district
or circuit court of the United States, and when so acknowledged a copy
of the same shall be transmitted to the chairman of the Interstate
Commerce Commission, who shall file the same in the office of said
commission.

Any agreement of arbitration which shall be entered into conforming
to this Act, except that it shall be executed by employees individually
instead of by a labor organization as their representative, shall, when
duly acknowledged as herein provided, be transmitted to the chairman
of the Interstate Commerce Commission, who shall cause a notice in
writing to be served upon the arbitrators, fixing a time and place for a
meeting of said board, which shall be within fifteen days from the execu-
tion of said agreement of arbitration: Provided, however, That the
said chairman of the Interstate Commerce Commission shall decline to
call a meeting of arbitrators under such agreement unless it be shown
to his satisfaction that the employees signing the submission repre-
sent or include a majority of all employees in the service of the same
employer and of the same grade and class, and that an award pursuant
to said submission can justly be regarded as binding upon all such
employees.

Sec. 7. That during the pendency of arbitration under this Act it
shall not be lawful for the employer, party to such arbitration, to dis-
charge the employees, parties thereto, except for inefficiency, violation
of law, or neglect of duty; nor for the organization representing such
employees to order, nor for the employees to unite in, aid, or abet, strikes
against said employer; nor, during a period of three months after an
award under such an arbitration, for such employer to discharge any
such employees, except for the causes aforesaid, without giving thirty
days' written notice of an intent so to discharge; nor for any of such
employees, during a like period, to quit the service of said employer
without just cause, without giving to said employer thirty days' written
notice of an intent so to do; nor for such organization representing
such employees to order, counsel, or advise otherwise. Any violation
of this section shall subject the offending party to liability for damages:
Provided, That nothing herein contained shall be construed to prevent
any employer, party to such arbitration, from reducing the number of its
or his employees whenever in its or his judgment business necessi-
ties require such reduction.

Sec. 8. That in every incorporation under the provisions of chapter
five hundred and sixty-seven of the United States Statutes of eighteen
hundred and eighty-five and eighteen hundred and eighty-six it must
be provided in the articles of incorporation and in the constitution,
rules, and by-laws that a member shall cease to be such by participa-
ting in or by instigating force or violence against persons or property
during strikes, lockouts, or boycotts, or by seeking to prevent others
from working through violence, threats, or intimidations. Members of
such incorporations shall not be personally liable for the acts, debts, or
obligations of the corporations, nor shall such corporations be liable
for the acts of members or others in violation of law; and such corpora-
tions may appear by designated representatives before the board created
by this Act, or in any suits or proceedings for or against such corpora-
tions or their members in any of the Federal courts.

Sec. 9. That whenever receivers appointed by Federal courts are in
the possession and control of railroads, the employees upon such rail-
roads shall have the right to be heard in such courts upon all questions
affecting the terms and conditions of their employment, through the
officers and representatives of their associations, whether incorporated
or unincorporated, and no reduction of wages shall be made by such
receivers without the authority of the court therefor upon notice to such
employees, said notice to be not less than twenty days before the
hearing upon the receivers' petition or application, and to be posted
upon all customary bulletin boards along or upon the railway operated
by such receiver or receivers.
SEC. 10. That any employer subject to the provisions of this Act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any attempt to prevent further employment after discharge.

—penalty.

Appropriation for expenses of arbitration.

SEC. 11. That each member of said board of arbitration shall receive a compensation of ten dollars per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration proceeding hereunder, not to exceed ten thousand dollars in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June thirtieth, eighteen hundred and ninety-eight, and June thirtieth, eighteen hundred and ninety-nine, out of any money in the Treasury not otherwise appropriated.

SEC. 12. That the Act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October first, eighteen hundred and eighty-eight, is hereby repealed.

Approved, June 1, 1898.

CHAP. 371.—An Act To suspend certain provisions of law relating to hospital stewards in the United States Army, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all provisions of law limiting the number of hospital stewards in service at any one time to one hundred, and requiring that a person to be appointed a hospital steward shall first demonstrate his fitness therefor by actual service as acting hospital steward, and that limit the amount to be expended for the pay of civil employees in the Medical Department of the Army in one year to forty thousand dollars be, and the same are hereby, suspended during the existing war: Provided, That the increase of hospital stewards under this Act shall not exceed one hundred.

Approved, June 2, 1898.