

"An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," and the amendments thereto be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said Act shall be entitled to have and receive all of the benefits therein conferred upon the States.

SEC. 2. That this Act shall be in full force and effect from and after its passage.

Effect.

Approved, February 18, 1909.

**CHAP. 160.**—An Act To provide for an enlarged homestead.

February 19, 1909.  
[S. 6155.]

[Public, No. 245.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this Act, in the States of Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, three hundred and twenty acres, or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-half miles in extreme length: *Provided,* That no lands shall be subject to entry under the provisions of this Act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

Public lands.  
Enlarged homestead entries of 320 acres permitted.  
States and Territories affected.*Proviso.*  
Designation of non-irrigable lands.

SEC. 2. That any person applying to enter land under the provisions of this Act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this Act, and shall pay the fees now required to be paid under the homestead laws.

Applications, fees, etc.

R. S., sec. 2290, p. 420.

SEC. 3. That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this Act, contiguous to his former entry which shall not, together with the original entry, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Additions allowed incomplete homestead entries.

Limit, etc.

SEC. 4. That at the time of making final proofs as provided in section twenty-two hundred and ninety-one of the Revised Statutes the entryman under this Act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

Proof of cultivation required.  
R. S., sec. 2291, p. 420.  
Additional.

SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section one of this Act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this Act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this Act shall be commuted.

Regular homestead entries not affected.

R. S., sec. 2289, p. 419.

No commutations.

Utah.  
Lands without  
water for domestic  
use.

Residence not re-  
quired, if so desig-  
nated.

Proviso.  
Cultivation re-  
quired.

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this Act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this Act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section.

Approved, February 19, 1909.

February 19, 1909.  
[H. R. 16274.]

CHAP. 161.—An Act To amend section ten of chapter two hundred and fifty-two, volume twenty-nine, of Public Statutes at Large.

[Public, No. 246.]

United States courts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section ten of chapter two hundred and fifty-two, volume twenty-nine, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word "two" and inserting in place thereof the word "three," so that said section as amended shall read as follows:

Vol. 29. p. 182,  
amended.

Marshals.  
Office deputies, etc.,  
allowed.

"SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided."

Expenses, serving  
writs, etc.

Per diem increased.

Approved, February 19, 1909.

February 19, 1909.  
[H. R. 21560.]

CHAP. 162.—An Act To provide for circuit and district courts of the United States at Gadsden, Alabama.

[Public, No. 247.]

Alabama northern  
judicial district.  
Middle division cre-  
ated.  
R. S., 532, p. 89.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the middle division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Cherokee, Dekalb, Marshall, Etowah, and Saint Clair.

Terms at Gadsden.  
R. S., secs. 572, 658,  
pp. 96, 120.

SEC. 2. That a term of the circuit and the district courts of the middle division of the northern judicial district of the State of Alabama shall be held at Gadsden, in Etowah County, in said State, on the first Tuesday in February and on the first Tuesday in August of each year: *Provided, however*, That suitable rooms and accommodations are furnished for the holdings of said courts, free of all expense to the Government, until a public building shall be provided for by law.

Proviso.  
Court rooms.