

July 20, 1892. **CHAP. 208.**—An act to provide for holding terms of court in the district of Montana.

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: Beaverhead 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.

July 20, 1892. **CHAP. 209.**—An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court.

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.

Montana judicial district. Southern division established.

Terms at Butte City.

Jurisdiction.

Pending actions not affected.

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.