

Punishment for violations.

presenting, or prosecuting such claim, or for any service or act whatsoever in connection with such claim, a sum greater than five per centum of the amount of such claim, and any person who shall violate the above provision shall be guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding five hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court.

Approved, June 25, 1910.

June 25, 1910.
[S. 5886.]

[Public, No. 317.]

CHAP. 435.—An Act To amend section one, chapter two hundred and nine, of the United States Statutes at Large, volume twenty-seven, entitled "An Act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes.

United States courts.
Vol. 27, p. 252,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "An Act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," approved July twentieth, eighteen hundred and ninety-two, be, and the same is hereby, amended so as to read as follows:

Entering or defending suits without paying costs.

"That any citizen of the United States entitled to commence or defend any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error, or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, 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 or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks by such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action, or appeal."

Writs of error and appeals, included.

Affidavit of poverty, etc.

Approved, June 25, 1910.

June 25, 1910.
[S. 6118.]

[Public, No. 318.]

New York City.
May close certain navigable waters wholly in.

CHAP. 436.—An Act To confer upon the city of New York the power to obstruct certain navigable waters wholly within its limits.

Provisos.
Approval of Secretary of War, etc.

Changes, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, "That the consent of Congress is hereby given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the State of New York: *Provided, however,* That any such obstruction shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of War and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further,* That the city of New York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this Act.

Liability for damages.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions.

Approved, June 25, 1910.

Right to alter, etc.
No liability of
United States.

CHAP. 437.—An Act For the relief of assignees in good faith of entries of desert lands in Imperial County, California.

June 25, 1910.
[S. 6636.]

[Public, No. 319.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, other than a corporation, who has in good faith heretofore acquired by assignment a desert-land entry, which entry is regular upon its face, in the belief that he was obtaining a valid title thereto, which assignment was accepted when filed at the local land office of the United States and recognized at the General Land Office as a proper transfer of such entry, shall be entitled to complete the entry so acquired, notwithstanding any contest that has been or may be filed against such entry, based upon a charge of fraud of which the assignee had no knowledge: *Provided, however,* That this Act shall only apply to any person who at the time of receiving such assignment was without notice of any fraud in the entry assigned or in any annual proof made concerning the same: *Provided further,* That patent shall not issue to any such assignee unless he shall affirmatively establish, by his evidence, under oath, good faith and lack of notice of fraud, and by the testimony, under oath, of himself and at least two witnesses that expenditure in the total amount and cultivation and reclamation to the full extent required by law have been actually made and accomplished: *And provided further,* That nothing herein contained shall be construed to waive or avoid liability for any fraud or violation of the law on the part of the person committing the same.

Imperial County,
Cal.
Desert-land entries.
Assignees in good
faith of, may complete
entries.

Provisos.
Restriction.

Proof of good faith,
etc., required.

Violations of law
not waived.

SEC. 2. That where a person having made entry under the desert-land law was thereafter permitted by the Land Department to hold another entry or entries by assignment, or where a person having previously perfected title under assignment of a desert-land entry, or having held land under assignment to the amount of three hundred and twenty acres or more at different times, was thereafter permitted by the Land Department to make an entry in his own right, or to hold other lands under assignment, such persons, or their lawful assignees, shall be, upon showing full compliance with all requirements of existing law as to expenditure, reclamation, and cultivation, permitted to complete title to the land now held by them, notwithstanding any contest that may have been or may hereafter be filed against the entry based upon the charge that the present claimant has exhausted his right under the desert-land law by reason of having previously made an entry or held land under an assignment as above detailed: *Provided, however,* That this section shall not be applicable to entries made or taken by assignment subsequently to November thirtieth, nineteen hundred and eight: *Provided further,* That no person shall be entitled to the benefits of either the first or second section of this Act who has heretofore acquired title to three hundred and twenty acres of land under the desert-land laws; nor shall this Act be construed to modify in any manner the provisions of the Act of August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes, three hundred and ninety-one), and the seventeenth section of the Act of March third, eighteen hundred and ninety-one (Twenty-sixth Statutes, ten hundred and ninety-five), restricting the quantity of lands that may be acquired under the agricultural-land laws.

Desert-land entries.
Bona fide holders of
second entries con-
firmed.

Provisos.
Restriction.

Holders of 320 acres
excluded.

Limit for agricul-
tural lands not modi-
fied.

Vol. 26, pp. 391, 1101.

SEC. 3. The provisions of this Act shall apply to Imperial County, California, only.

Applicable only to
Imperial County, Cal.

Approved, June 25, 1910.