

CHAP. 77.—An act appropriating certain unexpended balances of appropriations for removal of Indians. April 3, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of the appropriations made by the acts of July fifteenth, eighteen hundred and seventy, and March third, eighteen hundred and seventy-one, "for the removal of the Kickapoo and other American Indian tribes roving on the borders of Mexico and Texas to reservations within the territories of the United States, and for their settlement and subsistence on such reservations," is hereby reappropriated, and the Secretary of the Interior is authorized to use said unexpended balance to defray the expenses incurred by the removal of said Kickapoo Indians, locating and subsisting them in the Indian Territory: *Provided,* That this amount shall be in full of all expenses and obligations incurred in the removal of said Indians, and the Secretary of the Interior, in disbursing the same, shall see that all promises and obligations incurred by the commissioners appointed to remove said Indians shall be fully met and discharged from said amount.

1870, ch. 296, vol. xvi, p. 359.
1871, ch. 120, vol. xvi, p. 569.

Reappropriation of unexpended balances for removal of Kickapoo Indians.
Proviso.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to expend, for the purpose of defraying expenses incurred, and to be incurred, for the removal of the Winnebago Indians in Wisconsin, from their present homes in that State to their reservation in Nebraska, and for their subsistence during such removal, and at their new homes, the unexpended balance of the sum of thirty-six thousand dollars, or so much thereof as may be necessary, which was appropriated by the sixth section of the act of May twenty-ninth, eighteen hundred and seventy-two, for said purpose: *Provided,* That this amount shall be in full of all expenses and obligations incurred in the removal of said Indians, and the Secretary of the Interior, in disbursing the same, shall see that all promises and obligations incurred to said Indians shall be fully met and discharged from said amount.

Removal of Winnebagoes.

1872, ch. 233, vol. xvii, § 6, p. 190.

Proviso.

Approved, April 3, 1874.

CHAP. 80.—An act concerning the practice in territorial courts, and appeals therefrom. April 7, 1874.

Whereas, by the organic acts establishing several of the Territories of the United States, it is provided that certain courts thereof shall have common-law and chancery jurisdiction, and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby, validated and confirmed: *Provided,* That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common-law.

Common-law and chancery jurisdiction of territorial courts.

Certain codes, rules of practice, and proceedings confirmed.

Trial by jury.

SEC. 2. That the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said Territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form

Appellate jurisdiction of Supreme Court of United States, how exercised.

Proceedings on appeal. Proviso.

and modes of proceeding as the said Supreme Court have prescribed or may hereafter prescribe: *Provided*, That on appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal: *And provided further*, That the appellate court may make any order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the Supreme Court of the United States where the record has already been filed.

Approved, April 7, 1874.

April 9, 1874. 1864, ch. 80, §§ 3, 9 vol. xiii, pp. 67, 68

CHAP. 82.—An act to extend the time for completing the Wisconsin Central Railroad in Wisconsin.

Extension of time for completing Wisconsin Central Railroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time specified in the ninth section of the act of Congress approved May fifth, eighteen hundred and sixty-four, entitled "An act granting lands to aid in the construction of certain railroads in the State of Wisconsin," for the completion of the road mentioned in the third section of said act, and for the reversion to the United States of the lands granted by said act, to aid in the construction of said road, be, and the same is hereby, extended until the thirty-first day of December, eighteen hundred and seventy-six.

Approved, April 9, 1874.

April 14, 1874.

CHAP. 93.—An act to grant an American register to the Canadian tug "Noah P. Sprague."

American register to tug "Noah P. Sprague."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to issue an American register to the American-built Canadian tug "Noah P. Sprague," owned by Edward Evans, of Tonawando, Niagara county, State of New York, said tug having been recently rebuilt in the city of Buffalo, in said State.

Approved, April 14, 1874.

April 15, 1874.

CHAP. 96.—An act to establish a reservation for certain Indians in the Territory of Montana.

Indian reservation established in Montana.

Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described tract of country, in the Territory of Montana, be, and the same is hereby, set apart for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President may, from time to time, see fit to locate thereon, viz: Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri river; thence up and along the south bank of said river, to a point opposite the mouth of the Maria's river; thence along the main channel of the Maria's river to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the