

district court to be held at Toledo. in the city of Toledo, Ohio, in each year from and after the passage of this act, the time and the length of the terms to be fixed by the judge of said court.

APPROVED, May 23, 1872.

May 23, 1872.

CHAP. CCII. — *An Act to regulate criminal Practice in the federal Courts.*

When demurrers in criminal cases in United States courts are overruled, judgment of respondent-ouster to be entered.

Trial.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in every case where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information in any court of the United States, and such demurrer shall be overruled by the court, the judgment thereupon shall be respondent-ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered as justice may require.

APPROVED, May 23, 1872.

May 23, 1872.

CHAP. CCIII. — *An Act giving the Assent of Congress to the Subscription of the District of Columbia to the Stock of the Piedmont and Potomac Railroad Company.*

Act authorizing the District of Columbia to subscribe to stock of the Piedmont and Potomac R. R. Co., approved.

Conditions of subscription to the stock.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act of the legislative assembly of the District of Columbia entitled "An act to authorize a subscription to the stock of the Piedmont and Potomac Railroad Company upon certain conditions" be, and the same is hereby, approved and sanctioned: *Provided,* That before any part of the said subscription shall be paid the governor and the board of public works, acting separately, shall be satisfied that said railroad will be completed and used to a point on the Potomac river opposite the city of Washington or Georgetown by the aid of said subscription: *And provided,* That no part of the said subscription by said district shall be paid until one million dollars shall have been subscribed by private parties and shall have been actually paid in cash and expended in the construction of the road: *And provided further,* That the said Piedmont and Potomac Railroad Company shall enter into bonds in the sum of eight hundred thousand dollars, with good and sufficient individual sureties, to be approved by the governor of the District of Columbia and Secretary of the Treasury of the United States, conditioned for the repayment, with interest, of the money subscribed to the capital stock of the said company by the said district, if the said company shall fail to complete the said road for the running of cars within three years from the acceptance of the six hundred thousand dollars to be subscribed by the said district; and no part of such subscription shall be paid until such bond be given, approved, and filed in the office of the secretary of the District of Columbia: *And provided further,* That the tax levied by authority of this said act shall not exceed thirty-six thousand dollars for interest in any one year: *And provided also,* That no bonds to raise the funds that may be required to pay the said subscription shall be disposed of by said district at less than par.

APPROVED, May 23, 1872.

May 23, 1872.

CHAP. CCIV. — *An Act to withdraw from Settlement and Sale a certain Section of Land in Wyoming Territory.*

Section of land in Wyoming Territory reserved for the use of the city of Cheyenne for supply of water.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section thirty, township fourteen north, range sixty-seven west, of the public lands in Laramie county, Wyoming Territory, be, and the same is hereby, withdrawn from settlement and sale under existing laws, and reserved for the use of the city of Cheyenne, in said county, for the purpose of enabling the proper authorities of said city to construct and maintain on said land a reservoir of water for the supply of said city.

Who to occupy

SEC. 2. That said section of land shall, for the purpose named in the

first section of this act, be subject to occupancy and control by the board and control the land. of trustees of said city of Cheyenne, and their successors in office: *Provided*, That if at any time the said board of trustees shall occupy, or permit to be occupied, said land for any purpose not contemplated by this act, or shall fail for the period of two years to commence the use of it for said purpose, or shall abandon the same, the said land shall revert to the United States: *Provided further*, That nothing in this act contained shall be construed or have the effect to impair the rights of any person in or to any portion of said lands, acquired under any law of the United States.

Land to revert to the United States if, &c.

Private rights not affected.

APPROVED, May 23, 1872.

CHAP. CCV. — *An Act relating to certain Lands in the State of Alabama.*

May 23, 1872.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the lands heretofore certified to the State of Alabama by the commissioner of the general land office for the benefit of the railroad from Selma to Gadsden, then known as the Alabama and Tennessee River railroad, under act of Congress, entitled "An act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads," approved June third, eighteen hundred and fifty-six, be, and the same are hereby, confirmed to the said State of Alabama for the sole use and benefit of the Selma, Rome, and Dalton Railroad Company, the successors of the said Alabama and Tennessee Railroad Company.

Certain lands confirmed to the State of Alabama for the use of the Selma, &c., R. Co. 1856, ch. 41. Vol. xi. p. 17.

SEC 2. That the right of way and use of a strip of land one hundred feet in width from the centre and on each side of the said railroad, as the same is now located and constructed, upon and over any lands of the United States in the State of Alabama, be, and the same is hereby, granted to the said Selma, Rome, and Dalton Railroad Company.

Right of way to said road over any public lands in Alabama.

APPROVED, May 23, 1872.

CHAP. CCVI. — *An Act to provide Homes for the Pottawatomie and Absentee Shawnee Indians in the Indian Territory.*

May 23, 1872.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue certificates by which allotments of land lying within the thirty-mile square tract heretofore selected for the Pottawatomie Indians, and lying next west of the Seminole reservation in the Indian Territory, shall be made to each member of the Pottawatomie band, known as the Pottawatomie citizen band, as follows, viz.: To each head of a family, and to each other member twenty-one years of age, not more than one-quarter section, and to each minor of the tribe not more than eighty acres; and such allotments shall be made to include, as far as may be practicable for each family, the improvements which they may have made. Certificates of such allotments shall be made in severalty, specifying the names of individuals to whom they have been assigned, and that said tracts are set apart for the exclusive and perpetual use and benefit of such assignees and their heirs. Until otherwise provided by law such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased or otherwise disposed of only to the United States, or to persons of Indian blood, lawfully residing within said Territory with permission of the President and under such regulations as the Secretary of the Interior shall prescribe: *Provided*, That such allotments shall be made to such of the above-described persons as have resided or shall hereafter reside three years continuously on such reservation, and that the cost of such lands to the United States shall be paid from any fund now held, or which may be hereafter held by the United States for the benefit of such Indians, and charged as a part of their distributive share, or shall be paid for by said Indians

Allotments of land to be made to each member of the Pottawatomie citizen band;

quantity to each.

Certificates of allotments, how made, and to state what.

Lands to be exempt, &c., and alienable, &c.

Residence.

Cost, and how paid.