hundred and sixty acres, the rights of such settlers, as to the land settled on, shall be the same as those prescribed by the eighth section of the act entitled "An act to authorize the investigation of certain alleged frauds under the preëmption laws, and for other purposes," approved third March, eighteen hundred and forty-three, for settlers therein provided for: *And provided further*, That the preëmption rights provided for in this act shall attach only to such land as shall become subject to sale at the minimum price of one dollar and twenty-five cents an acre.

1843, ch. 86.

Proviso.

APPROVED, May 27, 1852.

May 27, 1852.

CHAP. XLIV.—*An Act to provide for the holding of the District Court of the District of Columbia, in cases of Sickness or other Disability of the District Judge.*

Provision for holding the District Court for the District of Columbia in case of sickness or disability of the District Judge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in case of the sickness or other disability of the Judge of the District Court of the United States of the District of Columbia, which shall prevent him from holding any stated or appointed term of the District Court of his district; and upon the fact of such sickness or other disability being certified by the clerk of said District Court to the assistant judges of the Circuit Court of said district, it shall be the duty of the senior Assistant Judge of said court to hold the District Court aforesaid, and discharge all the judicial duties of the District Judge, who shall be sick or otherwise disabled as aforesaid, so long as such sickness or disability shall continue; and in case of the sickness or other disability of said senior Assistant Judge, the same duty shall devolve on the junior Assistant Judge of said Circuit Court; and the said judges, and each of them, is hereby authorized to exercise original jurisdiction in admiralty cases for the purposes of this act and all the acts and proceedings in said District Court, by or before either of said assistant judges, so required to hold said District Court, shall have the same force, effect, and validity, as if done and transacted by and before the District Judge of said District Court.

The substituted justice may sit on appeals from his own decision.

SEC. 2. *And be it further enacted*, That the associate judge holding the District Court as aforesaid shall, and is hereby empowered to sit in the said Circuit Court in any case of appeal or of error from his own decision in said District Court, in the same manner as if said District Court had not been held by him.

APPROVED, May 27, 1852.

June 10, 1852.

CHAP. XLV.—*An Act granting the Right of Way to the State of Missouri, and a Portion of the Public Lands, to aid in the Construction of certain Railroads in said State.*

Right of way through the public lands granted to Missouri for railroads, and also right to take materials, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands be, and the same is hereby granted to the State of Missouri, for the construction of railroads from the town of Hannibal to the town of St. Joseph, in said State, and from the city of St. Louis to such point on the western boundary of said State as may be designated by the authority of said State, with the right also to take necessary materials of earth, stone, and timber for the construction thereof, from the public lands of the United States adjacent to said railroads:

Proviso as to amount to be taken.

Provided, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads as public ways for transportation, including stations, with the usual buildings of all kinds, turnouts and such other appurtenances as are

Copy of location to be filed.

usually enjoyed by railroad companies, and a copy of the location of said roads, made under the direction of the Legislature, shall be for-

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