of said roads or branches are within any Indian territory no title to the same shall accrue, nor shall the same be entered upon by the authority of said Territory or State until the Indian title to the same shall have been extinguished.

apply to lands in any territory till their title is extinguished.

SEC. 7. *And be it further enacted*, That there be and is hereby granted to the State of Alabama, for the purpose of aiding in the construction of a railroad "from the line of Georgia, on the Chattahoochee River, to the city of Mobile, Alabama," "through the counties of Henry, Dale, Coffee, Covington, Conecuh, Baldwin and Mobile," and a branch railroad "from Eufaula to Montgomery," "through the counties of Barbour, Pike, Macon and Montgomery," chartered by the State of Alabama by an act entitled "An act to authorize the Savannah and Albany Railroad Company to extend their railroad from the line of Georgia, on the Chattahoocee River, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery," approved December twentieth, eighteen hundred and fifty-three, alternate sections of the public lands to the same extent and in the same manner, and upon the same limitations and restrictions in every respect, as was granted to aid in the construction of other railroads under an 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 in said State," approved June three, eighteen hundred and fifty-six.

Similar grant to Alabama.

1856, ch. 41. *Ante*, p. 17.

APPROVED, March 3, 1857.

CHAP. C.—*An Act to divide the State of Missouri into two Judicial Districts.*

March 3, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Missouri is hereby divided into two judicial districts, in the following manner, to wit: the counties of Schuyler, Adair, Knox, Shelby, Monroe, Audrain, Montgomery, Gasconade, Franklin, Washington, Reynolds, Shannon, and Oregon, as the same were bounded on the first day of January, eighteen hundred and fifty-seven, with all that part of the State lying east of the above-mentioned counties, shall compose one district, to be called the eastern district of Missouri, and a court shall be held for the said district at the city of Saint Louis, in said State. All the remaining part of said State shall compose another district, to be called the western district of Missouri, and a court shall be held for the same in the city of Jefferson, in said State.

Missouri divided into two judicial districts.

Shire towns.

SEC. 2. *And be it further enacted*, That there shall be two terms of the district court begun and held in and for said western district, at the city of Jefferson, on the first Mondays of March and September of each year; and there shall be three terms of the district court begun and held in and for said eastern district, at the city of St. Louis, on the third Mondays of February, May, and November of each year; and the said courts are hereby authorized to hold adjourned terms when the business before the court shall, in the opinion of the court, require it.

Terms of district courts.

SEC. 3. *And be it further enacted*, That all suits and other proceedings of whatever name or nature now pending in the district court of the United States for the present district of Missouri, shall be tried and disposed of in the district court for said western district, in the same manner as the same would have been in case said State had not been divided into two districts; and for that purpose the jurisdiction is reserved to said district court in the said western district; and all process and other proceedings taken or issued or made returnable to the district court for the present district of Missouri, shall be returnable at the next term of said district court in and for said western district of Missouri.

Pending cases to be tried in the western district.

SEC. 4. *And be it further enacted*, That upon the application of any party to any suit now pending in the district court for the present district

Pending cases may be removed

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to eastern district by consent.

of Missouri, and which would have been commenced in the said eastern district if this act had been in force before the commencement of said suit, the district court for said western district may, and if all parties consent, shall order that the same be removed for further proceedings to the district court for the said eastern district; and thereupon the clerk of the district court for said western district shall transmit all the papers in the cause, with a transcript of the order of the removal, to the clerk of the district court of said eastern district, and all further proceedings shall be had in said court as if the suit had been originally commenced therein.

Present district judge to be judge of the western district.

Sec. 5. *And be it further enacted*, That the present judge of the district of Missouri, be and he is hereby assigned to hold said district court in and for the western district of Missouri, and shall exercise the same jurisdiction and perform the same duties within said western district as he now exercises and performs within his present district.

Process.

Sec. 6. *And be it further enacted*, That final process upon any judgment or decree entered in the district court of the United States for the district of Missouri, and all other process for the enforcement of any order of said court, in any cause now pending therein, except causes removed as hereinbefore provided shall be issued from and made returnable to the district court for said western district of Missouri, and may run and be executed by the marshal of said western district, in any part of said State.

Judge for eastern district to be appointed.

Sec. 7. *And be it further enacted*, That the office of district judge of said eastern district of Missouri, be and the same is hereby created, and a fit person shall be appointed such district judge, who shall exercise the same jurisdiction and perform the same duties within said eastern district as the district judge of the present district of Missouri now exercises and performs within his present district. And the district judge of said eastern district shall be entitled to an annual salary of three thousand dollars, and the judge of the western district the salary now provided by law.

Salary.

District Attorney, Marshal and Clerk.

Sec. 8. *And be it further enacted*, That the present district attorney for the district of Missouri shall be the district attorney for the said eastern district; the present marshal for the district of Missouri shall be marshal for said eastern district; and the present clerk of the district court for the district of Missouri shall be clerk of the district court for said western district.

Same subject.

Sec. 9. *And be it further enacted*, That there be appointed a district attorney and a marshal for said western district; and a clerk of the district court for said eastern district shall be appointed by the judge thereof.

Circuit Court for Missouri.

Sec. 10. *And be it further enacted*, That the circuit court of the United States in and for the present district of Missouri, shall be begun and held at the same times and place as heretofore; it shall in all things retain jurisdiction of all matters now pending therein, and have and exercise the same original jurisdiction in said State as is vested in the several circuit courts of the United States, as organized under existing laws,

Jurisdiction.

and shall also have and exercise the same appellate jurisdiction over the district courts of the United States for said eastern and western districts of Missouri as by existing laws is vested in the several circuit courts of the United States over the district courts of the United States, in their respective circuits. Said circuit court shall be called the circuit court in and for the districts of Missouri, and shall be composed of the justice of the supreme court assigned to said circuit and the two judges of the eastern and western districts of Missouri, but may be held by any one or

By whom held.

more of said three judges in the absence of the remainder. Said justice of the supreme court, or in his absence, the oldest in commission of said two district judges, shall be the presiding judge of said circuit court; and in case of any division of opinion among the judges of said circuit court, the opinion of the presiding judge shall prevail and be the judg-

ment of the said circuit court; but on any appeal to said circuit court from one of the said district courts, the judge of the district court from which such appeal was taken shall not sit in said circuit court on the trial or decision of the case so carried by appeal to said circuit court. The clerk of the circuit court for the present district of Missouri shall be and remain the clerk of the circuit court as modified by this act. The district attorney and marshal for said eastern district of Missouri shall act as such district attorney and marshal in said circuit court; but the process of said circuit court may be directed to the marshal of either of said eastern and western districts of Missouri, and shall be executed only by the marshal to whom it is directed, or by his duly appointed deputy, in his district.

Clerk.

District Attorney.

Marshal.

APPROVED, March 3, 1857.

CHAP. CI.—*An Act to amend the "Act reducing the Duty on Imports, and for other Purposes," passed July thirtieth, eighteen hundred and forty-six.* March 3, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eighth section of the act approved July thirty, eighteen hundred and forty-six, and entitled "An act reducing the duty on imports, and for other purposes," be amended as follows:

1846, ch. 74, § 8. Vol. ix. p. 43.

SEC. 2. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, or procured otherwise than by purchase, on entry of the same, to make such addition in the entry to the cost or value given in the invoice as, in his opinion, may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made; and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered, to cause the dutiable value of such imports to be appraised, estimated, and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed, by ten per centum or more, the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid a duty of twenty per centum ad valorem on such appraised value: *Provided, nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice or entered value, any law of Congress to the contrary notwithstanding.

Additions may be made to the value of goods in entries.

Additional duty on goods entered ten per cent. too low.

Duty never to be assessed on less than invoice value.

APPROVED, March 3, 1857.

CHAP. CII.—*An Act to constitute Selma, in the State of Alabama, a Port of Delivery.* March 3, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Selma, in the State of Alabama, shall be and is hereby constituted a port of delivery within the collection district of New Orleans; and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, for importing merchandise into Pittsburg, Wheeling, and other places.

Selma, (Ala.) made a port of delivery.

Post, p. 260.

1831, ch. 87, § 5. Vol. iv. p. 481.

APPROVED, March 3, 1857.