said State subject to homestead or pre-emption entry under the laws of the United States; and in any case where land is selected by the State, the price of which is fixed by law at the double minimum of two dollars and fifty cents per acre, such land shall be counted as double the quantity toward satisfying the grant.

If the price of the land selected is $2.50 per acre, such land to count double.

Selections already made, confirmed, except, &c.

Provisos.

Sec. 2. That any such selections already made by said State, and the lists duly filed in the proper district land-office, be, and the same are hereby, confirmed, except so far as they may conflict with any adverse legal right existing at the passage of this act: *Provided, however*, That the State shall not receive more than ninety thousand acres, the quantity granted by the act of July second, eighteen hundred and sixty-two: *Provided also*, That such lands shall not be sold by said State for less than two dollars and fifty cents per acre; and where settlement is made upon the same, preference in all cases shall be given to actual settlers at the price for which said lands may be offered.

Preference to actual settlers.

Approved, June 4, 1872.

June 4, 1872.

CHAP. CCLXXXIV. — *An Act to take away the Circuit Court Jurisdiction of the District Court of the United States for the northern District of Georgia, to create a Circuit Court in said District, and for other Purposes.*

Circuit court jurisdiction taken away from the district court of the northern district of Georgia, and circuit court created for that district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of any act or acts of Congress as vests in the district court of the United States for the northern district of Georgia the power and jurisdiction of a circuit court be, and the same is hereby, repealed; and there shall hereafter be a circuit court held for said district, presided over as the circuit court now is, or hereafter may be, in the southern district.

Pending suits and process.

Sec. 2. That all actions, suits, executions, causes, pleas, process, and other proceedings relative to any cause, civil or criminal, which might have been brought and would have been originally cognizable in a circuit court, or removed thereto under any act of Congress, pending in or returnable to the district court for the said northern district of Georgia at the time appointed for holding the next term thereof, are hereby declared to be transferred and made returnable to the circuit court constituted by this act, to be holden within the said district, and shall be heard, tried, and determined therein, in the same manner as if originally instituted in or removed to such circuit court. And the said circuit court shall be governed by the same general laws and regulations as apply to other circuit courts of the United States, and the clerk of said court shall perform the same duties and shall be entitled to receive the same fees and emoluments which are by law established for the clerks of the other circuit courts of the United States, and shall be appointed by the circuit judge of [the] circuit: *Provided*, That the present clerk of the district court for said northern district shall be the clerk of the circuit court of said district till another appointment be made in his place or he be otherwise removed.

Clerk of the circuit court.

Present clerk of district court to be clerk of circuit court until, &c.

Terms of district and circuit courts.

Sec. 3. That there shall be two terms of the district court for the northern district of Georgia, held in Atlanta, in each and every year, to begin on the first Mondays of March and September; and there shall also be two terms of the circuit court for said district, held in Atlanta, in each and every year, to begin on the second Mondays in March and September.

Suits hereafter instituted, where to be returnable;

where there are several defendants.

Sec. 4. That all suits hereafter to be instituted in the district or circuit court of either the northern or southern district of Georgia, not of a local nature, shall be commenced in a court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send duplicate writs to the other defendants, on which the plaintiff or his attorney shall indorse that the writs thus sent are copies of writs sued out of the proper district; and the said writs, when executed and returned into the office

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

from whence they issued, shall constitute one and the same suit, and be proceeded in accordingly.

Rules of district court for northern district to be in force in circuit court.

SEC. 5. That the rules of court heretofore adopted, and now of force in the district court for the northern district of Georgia, be, and they are hereby declared to be, adopted and of force in the circuit court of said northern district; but the same may be altered, modified, amended, or annulled by the said courts, and new rules may be added thereto in the same manner as in other district and circuit courts. The return-days of writs and executions returnable to the said district and the said circuit courts shall be the first days of the terms of said courts respectively, but the time for the return of writs may be, by rule of court, changed to any rules-day.

Return-days of writs, &c.

Grand and traverse juries;

SEC. 6. That the grand and traverse juries which have been or which may be drawn for the first term after the passage of this act, of the district court for the northern district of Georgia, shall be the juries for both the circuit and the district court; and all the acts as such in either court shall be valid, as if said juries belonged exclusively to the court in which they are acting for the time being.

when may be drawn.

SEC. 7. That it shall be lawful for the requisite jurors, grand and petit, for either or both of said courts, to serve at the first term thereof, to be drawn at any time by the judge of the said district court, or by either of the judges of said circuit court.

Repealing clause. 1848, ch. 151, §§ 9, 10. Vol. ix. p. 281.

SEC. 8. That the ninth and tenth sections of the act of August eleventh, eighteen hundred and forty-eight, organizing the district court of the northern district of Georgia, and all acts and parts of acts militating against this act, be, and the same are hereby, repealed.

APPROVED, June 4, 1872.

June 4, 1872.

1866, ch. 230. Vol. xiv. p. 221.

CHAP. CCLXXXV. — *An Act supplementary to an Act entitled "An Act to aid in the Construction of Telegraph Lines, and to secure to the Government the Use of the same for postal, military, and other Purposes," approved July twenty-fourth, eighteen hundred and sixty-six.*

International Ocean Telegraph Company may pre-empt, &c., certain public lands in Florida;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Ocean Telegraph Company shall have the right to pre-empt and use public lands at the following stations in Florida on the line of telegraph belonging to said telegraph company, to wit: at the two ends of the cables on Sinabel Island, the station at Punta Rasa, near the mouth of the Caloosahatchie river, the station at Fort Myers, the points where the line of telegraph crosses the Caloosahatchie river, the station at Pine island, and the stations at Branch river, Bartow, and Tuckertown, each forty acres; such lands being public lands, and now actually used by the International Ocean Telegraph Company of the State of New York: *Provided*, That whenever any one of the smallest legal subdivisions at any one of the stations designated is less than forty acres, by reason of the land lying adjacent to the Gulf of Mexico, or any bay or river, the said company shall pre-empt only such smallest fractional subdivision upon which the buildings and offices of the company are located.

only the smallest fractional subdivision.

APPROVED, June 4, 1872.

June 4, 1872.

CHAP. CCLXXXVI. — *An Act to enable the President to appoint a Paymaster-General of the Army.*

Paymaster-general of the army may be appointed; rank, pay, &c. 1869, ch. 124, § 6. Vol. xv. p. 318.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of the act of third March, eighteen hundred and sixty-nine, making appropriations for the suppport of the army, is so far modified, that the President is hereby authorized to appoint a Paymaster-General, with the rank, pay, and emoluments of a colonel, said appointment to date from the time the