

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.