

such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

APPROVED, July 23, 1866.

CHAP. CCX. — *An Act to fix the Number of Judges of the Supreme Court of the United States, and to change certain Judicial Circuits.* July 23, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no vacancy in the office of associate justice of the supreme court shall be filled by appointment until the number of associate justices shall be reduced to six; and thereafter the said supreme court shall consist of a chief justice of the United States and six associate justices, any four of whom shall be a quorum; and the said court shall hold one term annually at the seat of government, and such adjourned or special terms as it may find necessary for the despatch of business.

States already accepting to have five years more within which to provide one college

No vacancy in the office of associate justice of supreme court to be filled until, &c.
Supreme court thereafter to consist of, &c.
Quorum; terms.

SEC. 2. *And be it further enacted*, That the first and second circuits shall remain as now constituted; that the districts of Pennsylvania, New-Jersey, and Delaware shall constitute the third circuit; that the districts of Maryland, West Virginia, Virginia, North Carolina, and South Carolina shall constitute the fourth circuit; that the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas shall constitute the fifth circuit; that the districts of Ohio, Michigan, Kentucky, and Tennessee shall constitute the sixth circuit; that the districts of Indiana, Illinois, and Wisconsin, shall constitute the seventh circuit; that the districts of Minnesota, Iowa, Missouri, Kansas, and Arkansas shall constitute the eighth circuit; and the districts of California, Oregon, and Nevada shall constitute the ninth circuit.

Circuits established.

APPROVED, July 23, 1866.

CHAP. CCXI. — *An Act to quiet the Title to certain Lands within the corporate Limits of the City of Benicia and the Town of Santa Cruz in the State of California.* July 23, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the land situated within the corporate limits of the city of Benicia, in the county of Solano, State of California, as defined in the act incorporating said city, passed by the legislature of the State of California, April twenty-four, eighteen hundred and fifty-one, be, and the same are hereby, relinquished and granted to the said city and its successors, upon trust, however, that so much of said lands as is in the bona fide occupancy of parties upon the passage of this act, by themselves or tenants, shall be conveyed by said city to such parties: *Provided, however*, That the relinquishment and grant by this act shall not extend to any lands within said corporate limits occupied as a military depot of the United States, or heretofore reserved by the United States for public purposes; nor shall they interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, or preclude a judicial examination and adjustment thereof.

Title of the United States to land in the city of Benicia granted to that city and its successors in trust.

Limit to grant.

SEC. 2. *And be it further enacted*, That all the right and title of the United States to the land within the corporate limits of the town of Santa Cruz in the State of California, as defined in the act of the legislature of that State incorporating said town, be, and the same are hereby, relinquished and granted to the corporate authorities of said town and their successors, in trust for and with authority to convey so much of said lands

Title of the United States to land in the town of Santa Cruz granted to that town in trust.

Limit to grant. as are in the bona fide occupancy of parties upon the passage of this act by themselves or tenants, to such parties: *Provided*, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, nor preclude a judicial examination and adjustment thereof.

APPROVED, July 23, 1866.

July 23, 1866. CHAP. CCXII. — *An Act for a Grant of Lands to the State of Kansas to aid in the Construction of the Northern Kansas Railroad and Telegraph.*

Lands granted to Kansas for the benefit of the St. Joseph and Denver City Railroad Company. Location of road and branches. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby granted to the State of Kansas, for the use and benefit of the Saint Joseph and Denver City Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from Elwood, in Kansas, westwardly, via Maryville, in the same State, so as to effect a junction with the Union Pacific Railroad, or any branch thereof not farther west than the one hundredth meridian of west longitude, every alternate section of land designated by odd numbers, for ten sections in width on each side of said road, to the point of intersection.

If any of granted lands have been sold or reserved, &c. other lands may be selected in lieu thereof.

Selected lands to be within twenty miles of road.

Lands granted to be applied exclusively in the construction of railroad; but not for any road for which previous grant has been made.

Lands heretofore reserved exempted from the operation of this act.

Right of way.

Remaining lands not to be sold for less than double the minimum price;

to be exposed to public sale.

settlers under homestead and

But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any section or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of pre-emption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers, and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of Kansas for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located farther than twenty miles from the line of said road: *Provided further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same and for no other purpose whatever, and shall be disposed of only as in this act hereinafter provided: *Provided, also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad or part thereof for the construction of which any previous grant of land or bonds has been made by Congress: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as may be found necessary to locate the route of said road through said lands; in which case the right of way for one hundred feet on each side of said road only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the increased minimum price, as aforesaid: *Provided*, That actual and bona fide settlers, under the provisions of the pre-emption and homestead laws