States, as the President shall direct. They shall be allowed the same pay, rations, and allowances in kind, including clothing, and be subject to the same rules and regulations as are provided for the regiments of cavalry now in the service, but no field officer shall receive forage for a greater number of horses than he may from time to time actually have in service. No pay or allowances shall be due until said regiment shall be received into the service, but each officer and man shall then be entitled to one day's pay and allowance for every twenty miles he may have been required to travel from his residence to the place of muster.

Pay and allowances.

When due.

SEC. 3. *And be it further enacted*, That, for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontiers, the President of the United States be and he is hereby authorized to call for and accept the services of any number of volunteers, not to exceed in all two regiments, of seven hundred and forty privates each; the same, or any portion thereof, to be organized into mounted regiments or infantry, as the President may deem proper, to serve for the term of eighteen months from the time of their being received into service, unless sooner discharged by the President. Said volunteers, if called for and received as mounted men, shall be constituted in the same manner as is provided in the first section of this bill for the Texas regiment of mounted volunteers, and shall receive the same pay and allowances, shall be subject to the same rules and regulations as are provided in this bill for said corps; and if called for, and if received as infantry, they shall be placed on the same footing in every respect with the infantry regiments now in the service, shall receive the same pay and allowances, and be governed by the same rules and regulations; and the said regiments, whether organized as mounted men or infantry, shall be subject to the rules and articles of war.

Two regiments of volunteers authorized, to quell disturbances in Utah, to protect emigrant trains, &c. To be infantry or mounted. To serve eighteen months, unless sooner discharged.

Pay and allowances.

SEC. 4. *And be it further enacted*, That the volunteers provided for by this act shall not be accepted in bodies of less than one regiment, whose officers shall be appointed in the manner prescribed by law in the several States or territories to which said regiments shall respectively belong, except the quartermasters and commissaries, who shall be detailed from their respective departments of the regular army of the United States.

Not less than a regiment to be accepted.

Officers, how appointed.

SEC. 5. *And be it further enacted*, That the pay of said volunteers shall not be due until received into the service, but each officer and man shall then be entitled to one day's pay for every twenty miles he may have been required to travel from his residence to the place of muster.

Pay, when due.

APPROVED, April 7, 1858.

CHAP. XIV.—*An Act to acquire certain Lands needed for the Washington Aqueduct, in the District of Columbia.*

April 8, 1858.

Whereas it is represented that the works of the Washington aqueduct, in the District of Columbia, are delayed in consequence of the proprietors' refusal, in some cases, to sell lands required for its construction at reasonable prices, and because, in other cases, the title to the said land is imperfect, or is vested in minors, or persons non compos mentis, or in a femme covert, or [in persons] out of the District of Columbia; and whereas it is necessary for the making of the said aqueduct, reservoirs, dams, ponds, feeders, and other works, that a provision should be made for condemning a quantity of land for the purpose: therefore

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for the United States, or its approved agent, to agree with the owners of any land in the District of Columbia, through which said aqueduct is intended to pass, for the purchase or use and occupation thereof; and in case of disagreement, or in case the owner thereof shall be a femme

The United States may purchase land for the use of the aqueduct.

If there is a

disagreement, or the owner is under disability, a jury may be summoned by process from circuit court to assess damages.

covert, under age, non compos, or out of the District of Columbia, on application to a judge of the circuit court of said District, the said judge shall issue his warrant, under his hand, to the marshal of the said District to summon a jury of eighteen inhabitants of said District not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; notice of the time and place of said meeting being first given to the owners of such land or to their legal representatives, in person if that be practicable, and, if not, by publication in some Washington city newspaper daily for two weeks; and the marshal, upon receiving the said warrant, shall forthwith summon the said jury, and, when met, shall administer an oath or affirmation to every juryman who shall appear, being not less than twelve in number, that he will faithfully, justly, and impartially value the land, and all damages the owner thereof shall sustain by cutting the aqueduct through such land, or the partial, or temporary, or permanent appropriation, use, or occupation of such land, according to the best of his skill and judgment; and that in such valuation he will not spare any person for favor or affection, nor any person grieve for malice, hatred, or ill will; and the inquisition thereupon taken shall be signed by the marshal and four fifths of the said jury, and [be] returned by the marshal to the circuit court for the District of Columbia; and, unless good cause be shown against the said inquisition, it shall be affirmed by the court at its first term after said return and [be] recorded; but if, from any cause, no inquisition shall be returned to such court within one month after the commencement of the next ensuing term, the said court [shall], at its discretion, as often as may be necessary, direct another inquisition to be taken in the manner above prescribed; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the quality and duration of the interest and estate in the same required by the said United States for the use of the aqueduct, and their valuation shall be conclusive on all persons, and shall be paid for by the said United States, or its authorized agent, to the owner of the land, or his, or her, or their legal representative; and, on payment thereof, the said United States shall be seized of such land as of an absolute estate in perpetuity, or with such less quantity and duration of interest or estate in the same, or subject to such partial or temporary appropriation, use, or occupation as shall be required and desired as aforesaid, as if conveyed by the owner to the said United States; and whenever, in the construction of the said aqueduct, or any of the works thereof, reservoirs, dams, ponds, feeders, tunnels, aqueducts, culverts, bridges, or works of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, stone, or gravel, or any other material to be found on any of the lands adjacent or near thereto, and the said United States or their agent cannot procure the same for the works aforesaid by private contract of the proprietor or owner; or in case the owner should be a femme covert or non compos, or under age, or out of the District, the same proceedings, in all respects, shall be had as in the case before mentioned of the assessment and condemnation of the lands required for the said aqueduct or the work appurtenant thereto: *Provided*, That the work shall not be delayed pending any such proceeding in court, but the same shall be continued without obstruction thereby, after the inquisition shall be returned to the court.

Marshal to summon jury forthwith.

Jury to be sworn.

Inquisition signed by marshal and four fifths of jurors, to be returned to circuit court, and affirmed at first term, unless, &c.

Court may direct another inquisition.

Valuation by jury how made, and conclusive.

Estate of the United States in the land.

United States may take timber, gravel, &c., on land adjacent.

Proviso. Work not to be delayed by proceedings in court, after the inquisition is returned.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the United States or its agent, in case of any dispute or difficulty arising as to the ownership of the land condemned as above for the use of said aqueduct, or in case the owner should be a femme covert, under age, non compos, or out of the said District of Columbia, and no person duly authorized to receive the same, that the United States or its agent be authorized, by petition to the circuit court for the District of Columbia,

In case of dispute as to owner, or his disability, United States may, by order of court, deposit the money found due for land taken.

and upon said court's order, to deposit the money for which the said land was condemned in the place directed by said court, and the certificate of the proper officer of said deposit shall be considered as a full payment for said land, and thereby vest in the United States an absolute estate in perpetuity, or with such less quantity and duration of interest in the same, as subject to such partial, or temporary, or permanent use or occupation as shall be required and described as aforesaid, if conveyed by the owner or owners of said land.

Certificate of deposit to be deemed payment.

SEC. 3. *And be it further enacted*, That it shall be the duty of said circuit court to hear and determine to whom the said money does belong, and, upon being satisfied as to whom the land did belong, to pass their decree directing the clerk of said court to pay over to the owner the same money deposited as above, after deducting expenses. The court is further authorized to direct the mode for trying the case, and the litigants have the right of appeal, provided the appeal is taken within sixty days from the decree of the said court.

Circuit court to decide to whom money belongs, and clerk to pay it over.

Court to direct mode of trial. Litigants may appeal within 60 days.

APPROVED, April 8, 1858.

CHAP. XXIII.—*An Act to incorporate Gonzaga College, in the City of Washington and District of Columbia.*

May 4, 1858.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Burcard Villiger, Charles H. Stonestreet, Daniel Lynch, Edward X. Hand, and Charles Jenkins, and their successors, be, and they are hereby, made a body politic and corporate forever, by the name of the President and Directors of Gonzaga College, for purposes of charity and education; and by that name may sue and be sued, prosecute and defend; may have and use a common seale, and the same alter and renew at pleasure; may adopt rules, regulations, and by-laws not repugnant to the constitution and laws of the United States, for properly conducting the affairs of said corporation; may take, receive, purchase, and hold estate, real, personal, and mixed, not exceeding in value the sum of two hundred thousand dollars at any one time, and may manage and dispose of the same at pleasure, and apply the same, or the proceeds of the sales thereof, to the uses and purposes of the said corporation, according to the rules and regulations which now are, or may hereafter be, established.

Corporators.

Corporate name.

Objects and powers.

SEC. 2. *And be it further enacted*, That the said corporation shall have and enjoy the power and faculty to confer and confirm upon such pupils in the institution, or others, who, by their proficiency in learning or other meritorious distinctions, they shall think entitled to them, such degrees in the liberal arts and sciences as are usually granted in colleges.

May confer degrees.

SEC. 3. *And be it further enacted*, That the president and directors of Georgetown College be, and they are hereby, authorized and empowered to convey to the said president and directors of Gonzaga College and their successors forever, who are hereby authorized and empowered to receive the same, such lands and property, and such estate, real, personal, or mixed, as the said president and directors of Georgetown College may receive, or may have received, for the use or benefit of said president and directors of Gonzaga College.

Authorities of Georgetown College may convey.

SEC. 4. *And be it further enacted*, That nothing in this act shall be so construed as to authorize this said corporation to issue any note, token, device, scrip, or other evidence of debt, to be used as a currency.

Shall not issue notes, &c. as currency.

SEC. 5. *And be it further enacted*, That each of the corporaters in said corporation shall be held liable, in his individual capacity, for all the debts and liabilities of said corporation, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before any court of competent jurisdiction.

Corporators individually liable.