house, building, or place, and there to search for such official books, papers, writings, documents, archives, seals, stamps, or dies, and to take possession thereof and deposite them in the archives of the Surveyor General's office as aforesaid.

The wilful alteration or mutilation, &c., the concealment, or the unlawful taking or withholding of such books, &c. made a misdemeanor, and punishable by fine and imprisonment.

Sec. 3. *And be it further enacted*, That if any person shall without lawful authority wilfully take from the archives of the said Surveyor-General's office any espediente, map, diseño, book, paper, writing, record, document, seal, stamp, or die; or shall wilfully alter, deface, mutilate, injure, or destroy any espediente, book, paper, map, diseño, instrument of writing, document, record, seal, stamp or die, deposited in said archives; or shall conceal or unlawfully withhold from the possession of the Surveyor-General, or on demand refuse to deliver to him any espediente, map, diseño, official book, paper, writing, document, archive, record, seal, stamp or die, relating to or used in the administration of government in the department of Upper California, and belonging to the government during the existence of Spanish or Mexican authority in said department; or shall wilfully alter, deface, mutilate, make away with or destroy any such official book, espediente, map, diseño, paper, writing, document, archive, record, seal, stamp or die, the person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction, shall forfeit and pay a fine, not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for a term not exceeding ten years, at the like discretion.

The wilfully, &c. placing any book among the archives, made a misdemeanor.

Sec. 4. *And be it further enacted*, That if any person shall wilfully, secretly, and fraudulently place or cause to be placed in or among the archives of the Surveyor-General's office, any espediente, book, paper, diseño, map, draught, record, or any instrument of writing purporting to be a petition, decree, order, report, concession, grant, confirmation, map, diseño, espediente, or part of an espediente, denouncement, title-paper, or evidence of right, title, or claim to any land, mine, or mineral, or any book, writing, paper, or document whatever, the person so offending shall be deemed and adjudged guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall forfeit and pay a fine not exceeding five thousand dollars, and be imprisoned for a term not exceeding three years; or be both fined and imprisoned within said limits, at the discretion of the court.

Punishment.

Approved, May 18, 1858.

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May 18, 1858.

Chap. XL.—*An Act for the Prevention and Punishment of Frauds in Land Titles in California.*

The false making, &c. or altering, &c. of any instrument in writing, &c. concerning lands, &c. in California, to establish a claim against the United States, a misdemeanor, and punishable by fine and imprisonment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited; or willingly aid and assist in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, espediente, or part of an espediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California; for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; or if any person, for the purposes aforesaid, or either of them, shall utter or publish as true and genuine, any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, consession, denouncement, deed, patent, confirmation, diseño, map, espediente or part of an espediente, title-paper, evidence of right, title, or claim to lands or mines or minerals in the State

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of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, the person so offending shall be deemed and adjudged guilty of a misdemeanor; and, being thereof duly convicted, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years, and not more than ten years, and shall be fined not exceeding ten thousand dollars.

Similar provisions against similar acts, if done to establish claims against the United States by title from Mexican authority.

SEC. 2. *And be it further enacted*, That if any person shall make, or cause or procure to be made, or shall willingly aid and assist in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, espediente or part of an espediente, or any title-paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the seventh day of July, A. D. eighteen hundred and forty-six, for the purpose of setting up or establishing any claim against the United States to lands, or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; or if any person shall sign his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines or minerals, the person so offending shall be deemed and adjudged guilty of a misdemeanor; and, being thereof duly convicted, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years, nor more than ten years, and shall be fined not exceeding ten thousand dollars.

Presenting, for such purpose, to any United States court, any forged, &c. paper, or prosecuting any suit in any such court, founded on such paper, similarly punished.

SEC. 3. *And be it further enacted*, That if any person, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, shall present, or cause or procure to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, espediente or part of an espediente, title-paper, or written evidence of right, title, or claim to lands, minerals or mines in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, espediente or part of an espediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in California, knowing the same to be falsely dated; or if any person shall prosecute in any court of the United States, by appeal or otherwise, any claim against the United States for lands, mines, or minerals in California, or shall, after the passage of this act, continue to prosecute any claim now pending in said courts against the United States for lands, mines or minerals in California, which claim is founded upon, or evidenced by, any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, espediente or part of an espediente, title-paper, or written evidence of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, or counterfeited, or falsely dated, the person so offending shall be deemed and adjudged guilty of a misdemeanor; and, on conviction thereof, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years, nor more than ten years, and shall be fined not exceeding ten thousand dollars.

APPROVED, May 18, 1858.