nothing herein contained shall be construed so as to release the States of Mississippi or Alabama from any liability imposed upon them by the said act of September twentieth, eighteen hundred and fifty.

APPROVED, February 18, 1859.

CHAP. LVIII.—*An Act to authorize Settlers upon sixteenth and thirty-six[th] Sections, who settled before the Surveys of the Public Lands, to preëmpt their Settlements.* Feb. 26, 1859.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where settlements, with a view to preëmption, have been *been* made before the survey of the lands in the field which shall be found to have been made on sections sixteen or thirty-six, said sections shall be subject to the preëmption claim of such settler; and if they, or either of them, shall have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are hereby appropriated in lieu of such as may be patented by preëmptors; and other lands are also hereby appropriated to compensate deficiencies for school purposes, where said sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever: *Provided*, That the lands by this section appropriated, shall be selected and appropriated in accordance with the principles of adjustment and the provisions of the act of Congress of May twentieth, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for."

Settlers upon sections 16 and 36 may preëmpt their settlements when made before survey and with a view to preëmption; and other lands may be appropriated in lieu thereof and for deficiencies in fractional sections.

Proviso. Mode of selection and appropriation.

1826, ch. 83. vol. iv. p. 179.

APPROVED, February 26, 1859.

CHAP. LIX.—*An Act to protect the Land Fund for School Purposes in Sarpy County, Nebraska Territory.* Feb. 26, 1859.

Preamble.

Whereas by the treaty between the United States and the Omaha tribe of Indians, by which said Indian tribe ceded their lands in the Territory of Nebraska to the United States, a reservation was made of a part of section thirty-six, in town[ship] fourteen north, range thirteen east, for the Presbyterian Board of Foreign Missions; and whereas, by virtue of a joint resolution of Congress, approved March third, eighteen hundred and fifty-seven, a large portion of the remainder of said section thirty-six has been preëmpted, leaving but a fraction for the use of schools: Therefore,—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of common schools of the county of Sarpy, in which said land is situated, shall be, and [he] hereby is, authorized to select six hundred and forty acres of any unoccupied public lands in said county in subdivisions of not less than one quarter section, in lieu of the aforesaid section thirty-six: *Provided*, That as soon as such selection shall be made it shall be the duty of such superintendent to file a notice thereof, with a description of the land selected, in the office of the register of the land-office in the Omaha land district, who shall thereupon withdraw such land so selected from the list of lands subject to preëmption, or public or private sale in said land district, and shall report the fact to the United States Commissioner of Public Lands, and the land so selected shall, after such filing with the register, belong to the school fund of said county in all respects the same as other school lands; and the fraction of said section thirty-six remaining after satisfying the terms of said treaty, and after said preëmptions as mentioned in the foregoing preamble, shall be subject to preëmption, public sale, or private entry, the same as other public lands.

Superintendent of schools for Sarpy county, Nebraska territory, may select public lands in lieu of lands preempted and reserved.

Proviso.

APPROVED, February 26, 1859.

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