

manners and according to such forms as may be prescribed, from time to time, by the corporation of Washington.

SEC. 8. *And be it further enacted*, That a certificate under seal of the corporation, of the ownership of any lot aforesaid, shall, in all respects, have the same effect as any conveyance from said corporation of said lot would have if executed, acknowledged, and recorded, as conveyances of real estate are required to be.

Certificate of lot to have same effect as deed.

SEC. 9. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, or scrip, or other evidence of debt, to be used as currency.

Corporation not to issue notes, &c., as currency.

SEC. 10. *And be it further enacted*, That this act shall take effect from the passage thereof.

When act takes effect.

SEC. 11. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, modify, or repeal the foregoing act.

Congress may amend, &c., this act.

SEC. 12. *And be it further enacted*, That each of the stockholders in the said company shall be held liable in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

Stockholders individually liable for debts.

APPROVED, June 13, 1860.

CHAP. CXXVIII.—*An Act to amend an Act entitled an Act to define and regulate the Jurisdiction of the District Courts of the United States in California in Regard to the Survey and Location of confirmed Private Land Claims.*

June 14, 1860.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle [the] private land claims in the State of California," approved March three, eighteen hundred and fifty-one, have caused any private land claim to be surveyed, and a plat to be made thereof, he shall give notice that the same has been done, and the survey and plat approved by him, by a publication once a week for four weeks in two newspapers, one published in the city of San Francisco, and one of which the place of publication is nearest the land, if the land is situated in the northern district of California; and once a week for four weeks in two newspapers, one published in Los Angeles, and one of which the place of publication is nearest the land, if the land is situated in the southern district of California; and until the expiration of such time, the survey and plat shall be retained in his office, subject to inspection.

Notice of survey of private land claim and approval of plat thereof by the surveyor-general to be published. 1851, ch. 41. Vol. ix. p. 631.

SEC. 2. *And be it further enacted*, That the district courts of the United States for the northern and southern districts of California are hereby authorized, upon the application of any party interested, to make an order requiring any survey of a private land claim within their respective districts to be returned into the district court for examination and adjudication, and on the receipt of said order, duly certified by the clerk of either of said courts, it shall be the duty of the surveyor-general to transmit said survey and plat forthwith to the said court.

District court may order survey of private land claim to be returned into court, &c.

SEC. 3. *And be it further enacted*, That said order shall be granted by said courts on the application of any party whom the district courts, or the judge thereof, in vacation, shall deem to have such an interest in the survey and location of a land claim, as to make it just and proper, that he should be allowed to take testimony and to intervene for his interest therein; and if objections to the survey and location shall be made on the part of the United States, the order to return the survey into court shall be made on the motion of the district attorney founded on sufficient affidavits; and if the application for such order is made by other parties claiming to be interested in, or that their rights are affected by, such survey and location, the court, or the judge in vacation, shall proceed summarily, on affidavits or otherwise, to inquire into the fact of such

Order to be granted in discretion of court, and on whose application.

VOL. XII. PUB.—5

Parties claiming under the United States how to intervene.

Notice to be given before testimony is taken.

Courts to make rules, &c.

When parties interested may take testimony and how.

Court to decide on proof.

Surveyor-general to make survey conform to decree of court.

When surveyor-general is to send plat or survey to general land officer, and patent to issue.

Appeal from decree of court, how made.

Effect of such plat and survey.

Former surveys and locations made subject to this act,

except, &c.

Compensation of the judges.

1851, ch. 41, Vol. ix. p. 631.

interest, and shall, in its discretion, determine whether the applicant has such an interest therein, as under the circumstances of the case, to make it proper that he should be heard in opposition to the survey, and shall grant or refuse the order to return the survey and location, as shall be just: *Provided, however,* That all parties claiming interest under pre-emption, settlement, or other right or title derived from the United States, shall not be permitted to intervene separately; but the rights and interests of said parties shall be represented by the district attorney of the United States, intervening in the name of the United States, aided by counsel acting for said parties jointly if they think proper to employ such counsel; *And provided further,* That before proceeding to take the testimony, or to determine on the validity of any objection so made to the survey and location as aforesaid, the said courts shall cause notice to be given, by public advertisement, or in some other form to be prescribed by their rules, to all parties in interest, that objection has been made to such survey and location, and admonishing all parties in interest to intervene for the protection of such interest; and the said courts shall adopt rules providing for the prompt and summary decision of all controversies on surveys and locations that may arise under the provisions of this act.

SEC. 4. *And be it further enacted,* That when on the application of the party or parties interested as aforesaid, in said survey and location, the same shall be returned into court, the said parties may proceed to take testimony as to any matters necessary to show the true and proper location of the claim; such testimony to be taken in such manner, by deposition or otherwise, or by commission, as the court may direct, and, on hearing the allegations and proofs, the court shall render judgment thereon; and if, in its opinion, the location and survey are erroneous, it is hereby authorized to set aside and annul the same, or correct and modify it; and it is hereby made the duty of the surveyor-general, on being served with a certified copy of the decree of said court, forthwith to cause a new survey and location to be made, or to correct and reform the survey and location already made, so as to conform to the decree of the district court, to whom it shall be returned for confirmation and approval.

SEC. 5. *And be it further enacted,* That when, after publication as aforesaid, no application shall be made to the said court for the said order, or when said order has been refused, or when an order shall have been obtained as aforesaid, and when the district court by its decree shall have finally approved said survey and location, or shall have reformed or modified the same, and determined the true location of the claim, it shall be the duty of the surveyor-general to transmit, without delay, the plat or survey of the said claim to the General Land Office, and the patent for the land as surveyed shall forthwith be issued therefor, and no appeal shall be allowed from the order or decree as aforesaid of the said district court, unless applied for within six months from the date of the decree of said district courts, but not afterwards; and the said plat and survey so finally determined by publication, order, or decree, as the case may be, shall have the same effect and validity in law as if a patent for the land so surveyed had been issued by the United States.

SEC. 6. *And be it further enacted,* That all surveys and locations heretofore made and approved by the surveyor-general of California, which have been returned into the said district courts, or either of them, or in which proceedings are now pending for the purpose of contesting or reforming the same, are hereby made subject to the provisions of this act, except that in the cases so returned or pending no publication shall be necessary on the part of the surveyor-general.

SEC. 7. *And be it further enacted,* That, for the performance of the duties imposed by this act, and the act entitled "An act to ascertain and settle [the] private land claims in the State of California, passed March third eighteen hundred and fifty-one," there shall be allowed to the judges

of the northern and southern districts of California, as follows: To the judge of the northern district such a sum as will, when added to his fixed and permanent salary allowed by law and received by him, make his compensation amount to the sum of six thousand dollars per annum, and such additional compensation to be computed from the first day of January, eighteen hundred and fifty-two; and to the judge of the southern district such a sum as will, when added to his fixed and permanent salary allowed by law and received by him, make his compensation amount to the sum of thirty-five hundred dollars, such compensation to be computed and allowed from the date of his appointment to said office, and to continue each for and during the performance of the additional services required to be performed by this act, but not exceeding two years from and after the passage of this act.

Judge of northern district.

southern district.

SEC. 8. *And be it further enacted*, That all costs of surveys and publications, under the provisions of this act, shall be charged to and paid by the United States, and costs of litigation in the district courts shall abide the result thereof, and the court in its discretion may require security therefor.

Costs of survey and publication to be paid by the United States.

SEC. 9. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

APPROVED, June 14, 1860.

CHAP. CXXIX.—*An Act to incorporate the National Gallery and School of Arts in the District of Columbia.* June 15, 1860.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there may be established in the District of Columbia by the persons hereinafter named a gallery and school of arts, for the purpose of promoting the improvement of the fine arts, and their application to patriotic purposes, by means of exhibitions, libraries, museum, instruction, and any other practicable operations.

Gallery and school of arts established.

SEC. 2. *And be it further enacted*, That the said institution shall be under the management, direction, and government of a number of trustees, not exceeding twenty-five, to be elected annually by the contributors to the said gallery and school, in such manner and under such limitations and restrictions as may be provided in the by-laws thereof; and the first trustees of the said institution shall consist of the following persons, namely: Horatio Stone, John Cranch, J. M. Stanly, J. G. Bruff, Robert Bogle, W. W. Corcoran, A. F. Cunningham, T. G. Clemsen, J. G. Berret, F. P. Stanton, A. Thomas Smith, H. G. Fant, Charles Eames, B. Ogle Taylor, George W. Riggs, Charles Haskins, Seth Eastman, Samuel F. Vinton, and L. D. Gale, which said trustees and their successors shall be a body politic and corporate, with perpetual succession, by the name and style of "The National Gallery and School of Arts;" by which name and title the said trustees and their successors shall be competent and capable, in law and equity, to take to themselves and their successors, for the use of the said institution, any estate in any lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest of any person or persons whatsoever: *Provided*, The same do not exceed, in the whole, the yearly value of fifty thousand dollars and the same property and effects, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm let, and to place out on interest for the use of the said institution; and by the same name to sue and be sued, to plead and be impleaded, in any courts of law and equity; and to make and use a common seal, and the same to break and alter at their pleasure; and generally, by and in the same name, to do and transact all and every the business touching or concerning the premises.

Institution now to be managed, &c.

First Trustees.

Name of corporation, powers, &c.

SEC. 3. *And be it further enacted*, That the trustees aforesaid shall hold their offices until the first day of October, eighteen hundred and

Term of office of above named