

Repeal of certain provisions.

Attorney general of the United States, for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, to make out and transmit to the attorney general a statement containing the facts of the case, &c.

The President of the United States to appoint a law agent, to superintend, &c.

Duty of the agent.

The President to appoint assistant counsel.

Claims to lands, &c., within the purview of this act, forever barred after the passage of this act, if, &c.

Decrees rendered by said district or Supreme Court United States to be conclusive, &c.

STATUTE I.

May 23, 1828.

Where public lands have

the costs shall abide the decision of the cause as in ordinary causes before the said court. And so much of the said act as requires the claimants to make adverse claimants parties to their suits, or to show the court what adverse claimants there may be to the land claimed of the United States, be also hereby repealed.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, to make out and transmit to the attorney general of the United States, a statement, containing the facts of the case, and the points of law on which the same was decided: and it shall be the duty of the attorney general, in all cases where the claim exceeds one league square, and in all other cases, if he shall in such latter cases think the decision of the district judge is erroneous, to direct an appeal to be made to the Supreme Court of the United States, and to appear for the United States, and prosecute such appeal: which appeal in behalf of the United States may be granted at any time within six months after the rendition of the judgment appealed from, or at any time before the expiration of the term thereof, which may commence next after the expiration of said six months; and it shall be the further duty of the district attorney to observe the instruction given to him by the attorney general in that respect.

SEC. 10. *And be it further enacted*, That it shall be lawful for the President of the United States to appoint a law agent, whose special duty it shall be to superintend the interests of the United States in the premises, to continue him in place as long as the public interest requires his continuance; and to allow such pay to the agent as the President may think reasonable. It shall also be the duty of said agent to collect testimony in behalf of the United States, and to attend, on all occasions, when said claimants may take depositions; and no deposition so taken by them shall be read as evidence, unless said agent or district attorney shall have been notified, in writing, of the time and place of taking them, so long previous to said time as to afford to him an opportunity of being present.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President to employ assistant counsel, if in his opinion the public interest shall require the same: and to allow to such counsel and the district attorney, such compensation as he may think reasonable.

SEC. 12. *And be it further enacted*, That any claims to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before said court within one year from the passage of this act, or which, after being brought before said court, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within two years, shall be forever barred, both at law and in equity; and no other action at common law, or proceeding in equity, shall ever thereafter be sustained in any court whatever.

SEC. 13. *And be it further enacted*, That the decrees which may be rendered by said district, or the Supreme Court of the United States, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

APPROVED, May 23, 1828.

CHAP. LXXI.—*An Act for the relief of purchasers of the public lands that have reverted for non-payment of the purchase money. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in all cases where public

(a) See notes to the act of March 21, 1828, ch. 22.

lands have been purchased, on which a further credit has not been taken under the provisions of the act of the second of March, one thousand eight hundred and twenty-one, and have reverted, or are liable to revert, to the United States, for failure to pay the purchase money, or have been sold by the United States by reason of such failure to pay, and in all cases where one twentieth of the purchase money shall have been deposited and forfeited to the United States, it shall be the duty of the register of the land office, where the purchase or deposit was made, to issue, upon application, to the person, or persons, legally entitled to the benefit of the payments made previous to such reversion or sale, his, her, or their legal representatives, or assigns, a certificate for the amount so paid, and not refunded, which shall be received and credited as cash in payment of any public land that has been heretofore, or may hereafter be, sold by the United States, in the state or territory in which such original purchase or deposit was made.

SEC. 2. *And be it further enacted*, That it shall be the duty of the commissioner of the general land office to prescribe the form of such certificates, which shall, in every case, specify the tract or tracts of land so reverted or sold, the amount paid, date of payments, and by whom made; and it shall be the duty of the register issuing such certificates, to keep a record of the same, and to forward to the general land office, at the close of each month, an abstract of the certificates issued during the month; and for each certificate, the officer issuing the same shall be entitled to receive, from the applicant, the sum of fifty cents.

SEC. 3. *And be it further enacted*, That the said certificates, when received in payment for lands, shall be entered in the books of the land office, where received, and transmitted with the accounts of the receiver of the public moneys, to the general land office, in such manner as the commissioner of said office shall prescribe; and if, upon comparison of the original with the returns from the office whence any certificate issued, it shall appear to the satisfaction of the said commissioner, that such certificate has been issued and duly paid, according to the true intent and meaning of this act, the same shall be passed to the credit of the person paying the same as so much cash.

SEC. 4. *And be it further enacted*, That, for any moneys forfeited, on lands sold at New York or Pittsburg, the certificate shall be issued by the Secretary of the Treasury; which certificate shall be received in payment for lands at any of the land offices of the United States, as the certificates issued in conformity to the foregoing provisions of this act are made receivable.

SEC. 5. *And be it further enacted*, That, in no case, shall a certificate be issued to any person, except to the person who originally forfeited the lands, or to his heir or heirs; nor shall a grant issue, or the lands purchased with any scrip be transferred, until six months after the certificate shall have been deposited in the office.

SEC. 6. *And be it further enacted*, That, if any tract of land returned as sold to the general land office, shall have been paid for in forged or altered certificates, such sale shall be void, and the land subject to be sold again, at public or private sale, as the case may be; and in case any such forged or altered certificate shall be received upon any debt for land heretofore sold, or in part payment of any tract of land that may be hereafter sold, it shall be the duty of the commissioner of the general land office, by advertisement, or in such other manner as he shall direct, to give notice thereof to the person making such payment; and if, within six months after notice, such person shall not pay into the proper land office the amount so falsely paid, the tract of land upon which such payment was made, shall, with all money actually paid thereon, be forfeited to the United States.

SEC. 7. *And be it further enacted*, That, where two or more persons

been purchased, on which a further credit has not been taken under the provision of act of March 2, 1821, ch. 12, and have reverted, or are liable to revert, to the United States, for failure to pay the purchase money.

Fees.

Duty of the commissioner of the general land office to prescribe the form of such certificates.

Fees.

Certificates, when received in payment for lands, shall be entered in the books of the land office where received, and transmitted to the general land office.

Lands sold at New York or Pittsburg, &c.

Certificates not to be issued to any person, except, &c.

Where any tract of land returned as sold to the general land office shall have been paid for in forged or altered certificates.

Where two or more persons become the purchaser or purchasers of a section or fractional section.

Proviso.

have become purchasers of a section or fractional section, the register of the land office for the district in which the lands lie, shall on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them: *Provided*, That, in no case, shall the fractions so purchased be divided by other than north, and south, or east and west lines; nor shall any certificate issue for less than eighty acres.

APPROVED, May 23, 1828.

STATUTE I.

May 23, 1828.

CHAP. LXXII.—*An Act to provide for extending the term of certain pensions, chargeable on the navy and privateer pension fund.*

Where provision has been made by law, for half pay to the widows, &c., of officers, &c., killed in battle, &c., the term of certain pensions to be extended.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in all cases where provision has been made, by law, for the five years' half pay to the widows and children of officers, seamen and marines, who were killed in battle, or who died in the naval service of the United States during the late war; and also, in all cases where provision has been made for extending the term for five years in addition to any term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the current, or last expired term of five years in each case, respectively; making the provision equal to twenty years half pay; which shall be paid out of the fund heretofore provided by law; and the said pensions shall cease for the causes mentioned in the laws providing the same, respectively.

Pensions of all widows, who are now, or who may within one year last past be in receipt thereof under provision of the following laws or either of them, continued.

Act of March 4, 1814, ch. 20.
Act of April 16, 1818, ch. 65.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the pensions of all widows, who now are, or who, at any time within one year last past, have been in the receipt thereof, under the provision of the following laws of the United States, or either of them, to wit: An act passed March the fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of the persons slain in the public or private armed vessels of the United States," and an act passed April the sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be and the same are hereby continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *Provided, however*, That the said pensions shall be paid from the proceeds of the privateer pension fund alone, and without recourse to the United States, for any deficiency, should such occur, which may hereafter arise thereon; *And provided further*, That no such pension shall be paid to any such widow after her intermarriage, had, or to be had, after she shall have become such widow.

APPROVED, May 23, 1828.

STATUTE I.

May 23, 1828.

CHAP. LXXIII.—*An Act to authorize the improving of certain harbours, the building of piers, and for other purposes.*

Sums respectively appropriated.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, respectively appropriated, to be applied under