

CHAP. XXXVIII.—*An Act to authorize the Vestry of Washington Parish to take and enclose certain Parts of Streets in the City of Washington, for the Purpose of extending the Washington Cemetery; and for other Purposes.*

May 18, 1858.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Vestry of Washington parish shall be, and are hereby, authorized, with the consent of the corporation of the city of Washington, to take, enclose, and use forever those parts of Eighteenth and Nineteenth streets east, which lie between the north side of G street south and the north side of Water street; and also those parts of south G and south H streets which lie between Seventeenth and Twentieth streets east, for the purpose of enlarging the Washington Cemetery: *Provided*, That the power hereby conferred shall not be exercised as regards such particular portion of either of the aforesaid streets as may pass in front of any lot of ground not owned by the said vestry, until the said vestry shall become the owners of such lot of ground: *And provided further*, That the said vestry shall not sell for any purpose whatever any of the aforesaid parts of streets, but the United States shall retain and hold such parts thereof as may be laid out for burial purposes for the interment of members of Congress or such officers of the government as may die in Washington.

Certain streets may be inclosed to enlarge the cemetery.

Proviso.

SEC. 2. *And be it further enacted*, That no canal, railroad, street, or alley shall ever be laid out or opened into or through the Washington Cemetery, except such avenues or walks as may be laid out by the vestry of Washington parish, for the use and purposes of the said cemetery.

No canal, &c. to be opened through the cemetery.

SEC. 3. *And be it further enacted*, That the Washington Cemetery shall be forever free from taxation.

Not to be taxed.

APPROVED, May 18, 1858.

CHAP. XXXIX.—*An Act to provide for the Collection and Safe-keeping of Public Archives in the State of California.*

May 18, 1858.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of the Interior to cause to be collected and deposited in the Surveyor-General's office in California, all official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, that may be found in the unauthorized possession of any individual, relating to and used in the administration of government and public affairs in the department of Upper California, and which belonged to the government during the existence of Spanish or Mexican authority in Upper California; and the same, when deposited in his office, shall be safely and securely kept by the Surveyor-General in the archives of his office; and copies thereof, authenticated by the Surveyor-General under the seal of his office, shall be evidence in all cases where the originals would be evidence; *Provided*, That at the time of depositing said books, papers, writings, and documents in said archives, a schedule and accurate description thereof shall be made by the Surveyor-General, with a statement of the time and place where the same were found, and when they were deposited in the archives, which shall be certified under the seal of the Surveyor-General, and filed in his office; and a certified copy of said schedule shall be transmitted to the Commissioner of the General Land-Office, and also to the Attorney-General.

Secretary of Interior to collect all official books, &c.

Copies under the seal of the Surveyor-General to be evidence.

Proviso. Schedule and description of said books to be made, &c.

SEC. 2. *And be it further enacted*, That if the Surveyor-General shall have cause to suspect a concealment of any such official books, papers, writings, documents, archives, or official seals, stamps, or dies aforesaid, in any particular dwelling-house, building, or place, any judge or commissioner of the United States may, on affidavit showing the facts and circumstances upon which such suspicions are founded, grant to the Surveyor-General, or to any marshal of the United States, a warrant to enter such

Surveyor-General may have search-warrant for concealed books, &c.



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 deposit 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.

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, concession, 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