

SEC. 2. *And be it further enacted*, That when the same shall have been selected by the trustees aforesaid, and a description thereof returned and approved by the Commissioner of the General Land Office, a patent or patents shall issue thereof to the inhabitants of the said congressional township, and shall be held and disposed of by them for the use of schools within the said congressional township in the same manner as other school lands are held and disposed of.

APPROVED, June 22, 1860.

CHAP. CLXXXVI.—*An Act to amend "An Act [to provide] for extending the Laws and Judicial System of the United States to the State of Oregon, and for other Purposes."* June 22, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two regular terms of the district court of the United States for the district of Oregon shall hereafter be held at Portland, in said district, commencing on the second Monday in May and September in each year, and no process issued, or proceeding pending in said court, shall be avoided or impaired by this change of the time and place of holding the same, but all process, bail bonds, or recognizances, returnable to the next term of said court, shall be returnable and returned to the term of said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly.

SEC. 2. *And be it further enacted*, That the salary of the district judge of the United States for said district shall be three thousand dollars.

APPROVED, June 22, 1860.

CHAP. CLXXXVII.—*An Act to change the Time for holding the Courts in the Northern District of Florida.* June 22, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the regular terms of the district court of the United States for the northern district of Florida, shall hereafter be held at Appalachicola on the first Monday in March; at Tallahassee on the first Monday in May; at St. Augustine, on the first Monday in June; and at Pensacola on the first Monday in July, of each year; but nothing herein shall be construed to prevent the judge of the said court from holding additional terms at any of the places aforesaid, whenever, in his opinion, the public interest may so require.

APPROVED, June 22, 1860.

CHAP. CLXXXVIII.—*An Act for the final Adjustment of Private Land Claims in the States of Florida, Louisiana, and Missouri, and for other Purposes.* June 22, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who claim any lands lying within the States of Florida, Louisiana, or Missouri, by virtue of grant, concession, order of survey, permission to settle, or other written evidence of title, emanating from any foreign government, bearing date prior to the cession to the United States of the territory out of which said States were formed, or during the period when any such government claimed sovereignty or had the actual possession of the district or territory in which the lands so claimed are situated, shall be, and they are hereby, authorized to make application for the confirmation of their title to the lands so claimed, in the manner following, to wit: they shall file notices in writing, together with the evidence in support of their claims, before the commissioners hereinafter designated, within whose district the lands claimed may be situated, together with a brief abstract of the title of the claimant, and copies of the plats of survey thereof, whenever such surveys have been made and are within the possession of the claimant,

and accompanied with a sworn statement by the claimant of the lands supposed to be covered by his claim, according to the legal divisions and subdivisions of the surveys made by the United States, if the land claimed is included in any surveys so made; and the said notices, evidence, and the decisions of the commissioners thereon, shall be recorded in a book kept for that purpose, a transcript of which shall, from time to time, be transmitted to the Commissioner of the General Land Office.

Who to be
commissioners.

Their author-
ity, duty, &c.

SEC. 2. *And be it further enacted*, That the registers and receivers of the several land offices in the States of Florida and Louisiana, within their respective land districts, and the recorder of land titles for the city of Saint Louis, for the State of Missouri, and their successors in office, shall be, and they are hereby, appointed commissioners to hear and decide, under such instructions as may be prescribed by the Commissioner of the General Land Office in conformity with this act, and according to justice and equity and the principles hereinafter established, in a summary manner, all matters respecting such claims within the districts aforesaid as come within the provisions of this act; they shall have power to administer oaths, compel the attendance of and examine witnesses, demand and obtain from the proper officers all public records in which grants of land, warrants, orders of survey, or other evidence of claims to land derived from any foreign government may have been recorded, and shall make a report to the Commissioner of the General Land Office on the claims so presented to them for decision, dividing said claims into separate classes in the manner hereinafter provided, and giving their opinion whether such claims ought to be confirmed or rejected.

Claims report-
ed on, to be divi-
ded into three
classes.

Number one.

SEC. 3. *And be it further enacted*, That the claims so presented and passed upon by the commissioners, as aforesaid, shall be by them divided in their report into three distinct classes, as follows, viz:

Number one shall contain all claims which, in their opinion, ought to be confirmed, where the lands claimed have been in possession and cultivation by the private claimants or those under whom they derive title for a period of at least twenty years preceding the date of filing the claim, by virtue of some grant, concession, or order of survey, permission to settle, or other written evidence of title emanating from some foreign government which held or claimed sovereignty or jurisdiction over the territory in which the lands claimed are situated, and where the title emanating from such foreign government bears date anterior to the cession of said territory to the United States.

Number two.

Number two shall contain all claims which, in their opinion, ought to be confirmed, where the lands are claimed under written evidence of title, as above provided in class *number one*, but where there has been no actual possession and cultivation of the land claimed for a period of at least twenty years prior to the filing of the claim.

Number three.

Number three shall contain all claims which, in their opinion, ought to be rejected, whether from defect of proof, suspicion of fraud based on probable ground, uncertainty of location, vagueness of description, or any other cause sufficient, in their opinion, to justify such rejection: *Provided*, That in no case shall such commissioners embrace in said classes *number one* and *number two* any claim which has been heretofore presented for confirmation before any board of commissioners, or other public officers acting under authority of Congress, and rejected as being fraudulent, or procured or maintained by fraudulent or improper means; nor shall any such claim be received or considered by the commissioners which has been already twice rejected on the merits by previous boards.

Proviso.

Commissioner
of General Land
Office to report
to Congress.

SEC. 4. *And be it further enacted*, That whenever the said Commissioner shall approve the report of the commissioners in cases embraced in classes *number one* or *number two*, he shall report the same to Congress for its action; and whenever the said Commissioner shall approve the report in cases embraced in class *number three*, the rejection of the claim

so acted on shall be final and conclusive, and the land embraced within the claim shall be considered and treated as other public lands belonging to the United States.

SEC. 5. *And be it further enacted*, That all claims comprehended within any of the three classes aforesaid, on which there shall be disapproval by the Commissioner of the report made by the boards of commissioners aforesaid, shall be reported to Congress for its action and final decision thereon.

Claims disproved by him to be reported to Congress.

SEC. 6. *And be it further enacted*, That whenever it shall appear that lands claimed, and the title to which may be confirmed under the provisions of this act, have been sold in whole or in part by the United States prior to such confirmation, or where the surveyor-general of the district shall ascertain that the same cannot be surveyed and located, the party in whose favor the title is confirmed shall have the right to enter upon any of the public lands of the United States a quantity of land equal in extent to that sold by the government: *Provided*, That said entry be made only on lands subject to private entry at one dollar and twenty-five cents per acre, and as far as may be possible in legal divisions and subdivisions, according to the surveys made by the United States.

Proceedings when lands, title to which is confirmed, have been sold by the United States &c.

Proviso.

SEC. 7. *And be it further enacted*, That whenever any claim is presented for confirmation under the provisions of this act, which has heretofore been presented before any board of commissioners under authority of Congress, the facts reported as proven by the former board shall be taken as true *prima facie*; and the evidence offered before such former board, and remaining of record, shall be admitted on the examination of the claims made under the provisions of this act.

Evidence offered to former boards to be admitted before commissioner.

SEC. 8. *And be it further enacted*, That no land claimed under the provisions of this act shall be offered for sale, or otherwise disposed of by the officers of the United States, until the final decision shall be made on the validity of such claim; and in no case where land is possessed or cultivated by private persons shall it be entered upon or surveyed as public land, or offered for sale, without previous notice given to those in possession, requiring them to present their claims for confirmation; and if within sixty days from the date of such notice such claim shall not have been filed, then the proper officers of the government may proceed to the survey or sale of such lands as public lands, without prejudice, however, to the legal rights of the possessor or claimant, if any he have.

Lands claimed under this act, not to be sold until, &c.

Cultivated land not to be surveyed, &c., without, &c.

SEC. 9. *And be it further enacted*, That before the boards of commissioners shall be required to receive for record any notice, paper, evidence of title, or testimony, in support of any claim, the claimant shall pay to said board the sum of twenty-five cents for every hundred words required to be recorded, which shall be in full consideration for the recording and the transcript required to be forwarded to the Commissioner of the General Land Office.

Claimants to advance certain fees for recording.

SEC. 10. *And be it further enacted*, That at the commencement of each regular session of Congress, it shall be the duty of the Commissioner of the General Land Office to make report of all that has been done under the provisions of this act by the several officers charged with its execution.

Commissioner of General Land Office to report to Congress.

SEC. 11. *And be it further enacted*, That in any case of such a claim to lands as is hereinbefore in the first section of this act mentioned, where the lands claimed have not been in possession of and cultivated by the original claimant or claimants, or those holding title under him or them, for the period of twenty years aforesaid, and where such lands are claimed by complete grant or concession, or order of survey duly executed, or by other mode of investiture of the title thereto in the original claimant or claimants, by separation thereof from the mass of the public domain, either by actual survey or definition of fixed natural and ascertainable boundaries or initial points, courses and distances, by the competent authority,

Proceedings where lands have not been held twenty years, but are claimed by complete grant, &c.

Petition to federal district court.

Proceedings thereon.

Act, how long to remain in force.

prior to the cession to the United States of the territory in which said lands were included, or where such title was created and perfected during the period while the foreign governments from which it emanated claimed sovereignty over, or had the actual possession of such territory, the person or persons, his, her, or their heirs, devisees, legal representatives or grantees, so claiming such lands, may, at their option, instead of submitting their claim to the officer or officers hereinbefore mentioned, proceed by petition in any district court of the United States within whose jurisdiction the lands or any part of the lands claimed may lie, unless such claim comes within the purview of the third section of this act; to which petition the United States shall be made defendant, and it shall be verified by the oath of the party or parties, and conform to the provisions of section one of this act, and to the practice of such court in chancery, and the attorney of the United States for such district shall defend against the same for the United States; and the court shall decide the claim valid or invalid according to the principles established in this act, and decree accordingly. If the decree be against the United States, an appeal shall be entered to the Supreme Court of the United States; and if it be against the claimant or claimants, he or they may take an appeal directly to that court, as of right and course, without affidavit or security other than for costs; and the same shall be adjudged *de novo* in the Supreme Court as in other cases of appeals thereto in chancery, and as equity and justice and the principles aforesaid may require; which decision shall be final, and patent shall thereupon issue, if the claim be adjudged valid, for so much of the lands claimed as remain unsold; and for so much as may have been sold, the provisions of section six of this act shall apply and be in force.

SEC. 12. *And be it further enacted*, That this act shall be and remain in force during the term of five years, unless sooner repealed by Congress; and all claims presented or sued upon, according to the provisions of this act, within the said term of five years, may be prosecuted to final determination and decision, notwithstanding the said term of five years may have expired before such final determination and decision.

APPROVED, June 22, 1860.

June 22, 1860. CHAP. CLXXXIX.—*An Act in Relation to Mission Claims at Sault Ste. Marie, Michigan.*

Missionary claims to be confirmed as claims of individuals.
1860, ch. 71, § 4.
Vol. ix. p. 470.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the missionary claims referred to in the fourth section of the act of twenty-sixth September, eighteen hundred and fifty, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, Michigan," and reported upon by the register and receiver at Sault Ste. Marie, pursuant to said act, shall be entitled to recognition and confirmation in the same manner and on the same terms as claims of individuals therein provided for; and upon the final approval of the said claims, as provided in the eighth section of the act aforesaid, patents shall be issued therefor.

APPROVED, June 22, 1860.

June 22, 1860. CHAP. CXC.—*An Act in Relation to malicious Injuries to, and Trespasses upon, public and private Property, within the District of Columbia.*

Wilful, &c., injury to trees, fences, works of art, &c., how punished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who shall wilfully and maliciously, or wantonly, and without cause, in the District of Columbia, cut down or destroy, or by girdling, lopping, or otherwise injure any fruit or other tree, not his own, standing or growing for shade, ornament, or other useful purpose, or shall maliciously destroy, mutilate, or otherwise injure any statuary, monument, or other work of art, stand-