

penditure exceeding the sum so remaining after paying for the site of said building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State and the service of the civil process therein.

Approved, February 25, 1885.

*Proviso.*

*Title.*

CHAP. 149.—An act to prevent unlawful occupancy of the public lands.

February 25, 1885.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land-office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.

Inclosure of public lands without title declared unlawful.

Maintenance of inclosure forbidden.

Assertion of right without title prohibited.

United States district attorneys on complaints made to institute civil suits.

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

Jurisdiction of courts.

Such cases to have precedence.

Summary judgments.

Settlements and transit on and over public lands not to be obstructed.

*Proviso.*

Violators of these provisions held guilty of misdemeanor.

Penalty, fine and imprisonment.

President authorized to take necessary measures to remove unlawful inclosures.

No suit for unlawful inclosure of less than 160 acres without authority of Secretary of Interior.

Pending suits not affected.

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding one year for each offence.

SEC. 5. That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose.

SEC. 6. That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior.

SEC. 7. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act.

Approved, February 25th, 1885.

February 25, 1885.

CHAP. 150.—An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Consular and diplomatic appropriations for the year ending June 30, 1886.

Envoys extraordinary and ministers plenipotentiary.

One envoy extraordinary and minister plenipotentiary for Guatemala, Costa Rica, etc.

Residence. Turkey.

United States of Colombia.

Ministers resident.

*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 they are hereby, severally appropriated for the consular and diplomatic service of the fiscal year ending June thirtieth, eighteen hundred and eighty-six, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at seventeen thousand five hundred dollars each, seventy thousand dollars.

For salaries of envoys extraordinary and ministers plenipotentiary to Japan, China, Spain, Austria, Italy, Brazil, and Mexico, at twelve thousand dollars each, in all eighty-four thousand dollars.

For salaries of envoys extraordinary and ministers plenipotentiary to Chili and Peru, at ten thousand dollars each, twenty thousand dollars.

For salary of envoy extraordinary and minister plenipotentiary to be accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, and to reside at such place in either of said states as the President may direct, ten thousand dollars.

For salary of envoy extraordinary and minister plenipotentiary to Turkey, ten thousand dollars.

For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, seven thousand five hundred dollars.

For salaries of ministers resident in Belgium, Netherlands, Hawaiian Islands, and Sweden and Norway, at seven thousand five hundred dollars each, thirty thousand dollars.

For salaries of ministers resident and consuls-general in Venezuela