

LAW OF THE UNITED STATES

Passed at the Third Session of the Thirty-second Congress.

(Public No. 100.)

AN ACT TO PROVIDE CIRCUIT COURTS FOR THE DISTRICTS OF CALIFORNIA AND OREGON, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supreme court of the United States shall hereafter consist of a chief justice and nine associate justices, any six of whom shall constitute a quorum; and for this purpose there shall be appointed one additional associate justice of said court, with the like powers, and to take the same oaths, perform the same duties, and be entitled to the same salary, as the other associate justices. The districts of California and Oregon shall constitute the tenth circuit, and the other circuits shall remain as now constituted by law.

Sec. 2. And be it further enacted, That as much of any act or acts of Congress as relate to the district courts in and for the said States of California and Oregon, or either of them, the power and jurisdiction of circuit courts, and the act entitled "An act to establish a circuit court for the United States in and for the State of California," approved March second, eighteen hundred and fifty-five, and the same are hereby repealed, and the said circuit court is hereby abolished; and there shall hereafter be circuit courts held for the districts of the States of California and Oregon by the chief justice, or one of the associate justices of the supreme court of the United States assigned or allotted to the circuit to which such districts may respectively belong, and the district judges of such districts, severally and respectively, either of whom shall constitute a quorum, which circuit courts and the judges thereof shall have like powers and exercise like jurisdiction as other circuit courts and the judges thereof; and the district courts in and for the several districts in and for said States of California and Oregon, and the judges thereof, shall have like powers and exercise like jurisdiction as the district courts and the judges thereof in the other circuits.

Sec. 3. And be it further enacted, That all actions, suits, prosecutions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, (which might have been brought and could have been originally cognizable in a circuit court as established by this act,) now pending in or returnable to the several district courts of the United States in the said States of California and Oregon, or now pending in or returnable to the circuit court of California, by this act abolished, acting as circuit courts (or so empowered to act) shall be, and are hereby declared to be, respectively, transferred, returnable, and continued to the several circuit courts constituted by this act to be held within said districts respectively, and shall be heard, tried, and determined therein, in the same manner as if originally brought, entered, prosecuted, or held in such circuit courts; and no bail bond or recognizance taken in any of said actions, suits, prosecutions, or causes transferred to said circuit courts by this act shall thereby be avoided, impaired, or invalidated; and the said circuit courts shall be governed by the same laws and regulations as apply to the other circuit courts of the United States; and the clerks of said courts, respectively, shall perform the same duties, and shall be entitled to receive the same fees and emoluments which are by law established for the clerks of the other circuit courts of the United States.

Sec. 4. And be it further enacted, That the circuit court for the districts in California shall be held at the city of San Francisco, at the same times now prescribed by law for holding terms of the district courts for the northern and southern districts of said State at said places; and the circuit court for the State of Oregon shall be held at Portland, in said State, at the same times now fixed by law for holding terms of the district court for the district of Oregon at that place.

Sec. 5. And be it further enacted, That the judge assigned to the tenth circuit, as constituted by this act, shall receive, in addition to his salary hereinafter provided, the sum of one thousand dollars for his traveling expenses for each year in which he may actually attend a session of the supreme court of the United States.

Sec. 6. And be it further enacted, That the President, by and with the advice and consent of the Senate, shall appoint a solicitor or agent, learned in the Spanish language and law, on the part of the United States, whose duty it shall be to prosecute, before the joint commission in the city of Lima, the claims of citizens of the United States embraced in the stipulations of said convention.

same amount in commutation of all traveling and other personal expenses, as is provided in the case of the commissioners and solicitor. And the sums necessary to pay the foregoing salaries and expenses, as well as the share of the contingent expenses of the commission on the part of the United States, and of the compensation of the umpire chosen under the convention, are hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 5. And be it further enacted, That the said commissioners on the part of the United States, in conjunction with the commissioners on the part of Peru, shall be, and are hereby, authorized to make all needful rules and regulations for conducting the business of the said commission; such rules and regulations not contravening the Constitution of the United States, the provisions of this act, or the stipulations of the said convention.

Sec. 6. And be it further enacted, That the Secretary of State is hereby authorized and required to transmit to the said commissioners such papers or records relating to the said commission as he may deem proper, or as may be called for by the said commissioners, and at the close of the commission, and of the duties of the umpire, all the records, documents, and all other papers which have been presented on behalf of the claimants, citizens of the United States, shall be returned to the Department of State, or be deposited in the Legation of the United States at Lima, as the President may direct.

Approved, March 3, 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry Addison, John C. Underwood, George C. Abbott, William H. Channing, Nancy M. Johnson, of the District of Columbia, and Myrtilla Miner, of California, and their associates and successors, are hereby constituted and declared to be a body politic and corporate, by the name and title of "The Institution for the Education of Colored Youth," to be located in the District of Columbia; the objects of which institution are to educate and improve the moral and intellectual condition of such of the colored youth of the nation as may be placed under its care and influence, and by that name shall have perpetual succession, with power to sue and be sued, to plead and be pleaded in any court of the United States, to collect subscriptions, make by laws, rules and regulations, as may be needful for the government of said institution, and the same to alter, amend, and abrogate at pleasure; to have a common seal, the same to break, alter, and renew at will; to appoint such officers as may be required for the management of the institution, and to assign their duties, and generally to provide for the transaction of all business appertaining to said institution. And the by-laws, rules, and regulations which may be so adopted, shall be as valid as if they were made a part of this act; Provided, They shall not be inconsistent herewith, nor repugnant to the laws of the District of Columbia.

Sec. 2. And be it further enacted, That said corporation may have, hold, and receive, for the purposes of said institution and for no other, real, personal, and mixed estate, by purchase, gift, or devise, not to exceed one hundred thousand dollars; to use, lease, sell, or convey the same for the purpose and benefit of said institution; may appoint such teachers as may be necessary, and fix their compensation.

Sec. 3. And be it further enacted, That said corporation shall not be engaged in any banking or commercial business, nor shall it issue any note, check, or other evidence of debt intended to be used as a circulation; and Congress may have the right to alter or repeal this act at any time hereafter.

Approved, March 3, 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, by and with the advice and consent of the Senate, shall appoint two commissioners, whose duty it shall be, conjointly with the commissioners appointed by the Government of Peru, to investigate, adjust, and determine the amount of the claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, pursuant to the terms of a convention signed at Lima, on the twelfth of January, eighteen hundred and sixty-three.

Sec. 2. And be it further enacted, That the said lands hereby granted to the said States shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

Sec. 3. And be it further enacted, That the lands hereby granted to said States shall be disposed of only in the following manner, that is to say: That a quantity of land, not exceeding thirty sections, for said road, may be sold; and when the governors of said States shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land, hereby granted, not to exceed thirty sections for said road, having ten continuous miles completed as aforesaid, may be sold, and so from time to time, until the said road is completed; and if said road is not completed within five years, no further sales shall be made, and the lands unsold shall revert to the United States.

Sec. 4. And be it further enacted, That said military road shall be constructed with sufficient drains and ditches, and not less than forty feet in width, with a grade not less than sixteen feet wide, with such graduation and bridges as shall permit of its regular use as a wagon road in all seasons of the year, and in such other special manner as the States of Michigan and Wisconsin may prescribe.

Approved, March 3, 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Theresa A. Correll, Lucy Gayman, Margaret Bowden, Sarah M. Conell, Catherine Ryan, Louisa Fisher, and Catherine Shea, and their successors, be, and they are hereby, made a body politic and corporate forever, by the name of "St. Ann's Infant Asylum," for the purpose of establishing and maintaining in the city of Washington, in the District of Columbia, an institution for the maintenance and support of foundlings and infant orphan and half-orphan children, and also to provide for deserving indigent and unprotected females during their confinement in childbed; and by that name may sue and be sued, prosecute and defend; may have and use a common seal; and the same alter and amend at pleasure; may adopt and establish rules, regulations, and by-laws not repugnant to the Constitution and laws of the United States, for properly conducting the affairs of said corporation; may take, receive, purchase, and hold estate, real, personal, and mixed, not exceeding in value at any one time one hundred thousand dollars, and may manage and dispose of the same, and apply the same, or the proceeds of the sales thereof, to the uses and purposes of said corporation, according to the rules and regulations which may be or may hereafter at any time be established.

Sec. 2. And be it further enacted, That said corporation shall be entitled to retain under their care, charge, and restraint, and subject to the rules and discipline of said corporation, all foundlings and infant children committed to their keeping as fully and completely, to all intents and purposes, as if they were regularly indentured and bound apprentices to said institution, until said foundlings and infants shall be, if males, twenty-one years old, and if females, eighteen years old, or any shorter period that may be agreed upon; and said corporation shall have power to bind them out for a time not to exceed six weeks of twenty-one and eighteen years, respectively, as apprentices to learn any trade or business, or to learn to be useful in housekeeping, or may, under terms proper in the view of the said corporation and to be by them stipulated, place them for adoption, or as inmates with any families or persons, said corporation not being restricted in the exercise of their powers of binding or placing out to the District of Columbia; and all such acts shall be in writing, signed by the president of said corporation, and sealed with their corporate seal, and signed and sealed by the persons taking said children as apprentices, or as aforesaid, and acknowledged by said parties before a justice of the peace in and for said District, and within one month thereafter recorded in the office of the register of wills for said District.

Sec. 3. And be it further enacted, That Congress may at any time hereafter alter, amend, or repeal this act.

Approved, March 3, 1863.

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