

BY AUTHORITY.

PUBLIC ACTS

Passed during the first session of the Thirty-first Congress.

[CHAP. 82.]

AN ACT to authorize the appointment of Indian Agents in California.

[CHAP. 83.]

AN ACT for the payment of a company of Indian Volunteers.

[CHAP. 84.]

AN ACT to enable the State of Arkansas and other States to reclaim the "swamp lands" within their limits.

An Act to provide for extending the laws, and the judicial system of the United States to the State of California.

[CHAP. 85.]

AN ACT granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

the period during which any officer or soldier may have remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so detained in captivity shall receive land under the provisions of this act in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity and had served during such time.

Sec. 3. And be it further enacted, That each commissioned and non-commissioned officer, musician or private, for whom provision is made by the first section hereof, shall receive a certificate or warrant from the Department of the Interior for the quantity of land to which he may be entitled, and which may be located by the warrant or his heirs at law, at any land office of the United States in one body and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant with evidence of the location thereof having been legally made to the General Land Office, a patent shall be issued therefor.

Sec. 4. And be it further enacted, That all sales, mortgages, letters of attorney or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, under the provisions of this act made or executed prior to the issue, shall be null and void to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to the payment of any debt or claim incurred by such officer or soldier, prior to the issuing of the patent: Provided, That the benefits of this act shall not accrue to any person who is a member of the present Congress.

Sec. 5. And be it further enacted, That all civil causes now pending in any of the courts of California, the jurisdiction of which may properly belong to the courts of the United States herein established, shall be removed to the said United States courts either by writ of certiorari, or by a transfer of the original papers with an exemplification from the record or docket entry, under the seal of the court from which they shall be removed, for which exemplification the clerk of said court shall receive the same fees, as may be allowed by law for similar services to be paid by the party applying for such transfer; and in case of a final determination of the cause in favor of the party paying for such record, he shall be entitled to tax the expense thereof as other costs are taxable against the party failing in said suit and all cases, &c., removed shall take rank on the docket and lists of cases of said United States courts according to priority of date, and be proceeded in as cases originally brought in said courts.

Sec. 6. And be it further enacted, That all civil causes now pending in any of the courts of California, the jurisdiction of which may properly belong to the courts of the United States herein established, shall be removed to the said United States courts either by writ of certiorari, or by a transfer of the original papers with an exemplification from the record or docket entry, under the seal of the court from which they shall be removed, for which exemplification the clerk of said court shall receive the same fees, as may be allowed by law for similar services to be paid by the party applying for such transfer; and in case of a final determination of the cause in favor of the party paying for such record, he shall be entitled to tax the expense thereof as other costs are taxable against the party failing in said suit and all cases, &c., removed shall take rank on the docket and lists of cases of said United States courts according to priority of date, and be proceeded in as cases originally brought in said courts.

Sec. 7. And be it further enacted, That there shall be allowed to the judge of the northern district aforesaid an annual compensation of three thousand five hundred dollars, and to the judge of the southern district aforesaid an annual compensation of twenty-eight hundred dollars, to commence from the date of their appointments respectively.

Sec. 8. And be it further enacted, That there shall be appointed in each of said districts, a person learned in the law, to act as attorney for the United States, who shall in addition to the fees of office which, for the first four years after the passage of this act, shall be double those of the southern district of New York; and thereafter he shall be entitled to receive the same fees as the attorney of the said southern district of New York, and a salary of five hundred dollars annually as a full compensation for all extra services.

Sec. 9. And be it further enacted, That a marshal shall be appointed in each of said districts, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to receive for the first four years after the passage of this act, double the amount of fees which are prescribed to marshals in the southern district of New York, and thereafter he shall be entitled to receive the fees of the marshal of the said southern district of New York, and shall, moreover be entitled to the sum of five hundred dollars annually as a compensation for all extra services; and the said marshal shall have the right to appoint as many deputies as the duties of his office shall require.

Sec. 10. And be it further enacted, That in addition to the ordinary jurisdiction and powers of a district court of the United States with which the southern district of New York has been invested, the said courts be, and hereby are, invested respectively, within the limits of its district, with the exercise of concurrent jurisdiction and powers in all civil cases now exercised by the circuit courts of the United States; and that in all cases where said courts shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said courts, to the Supreme Court of the United States, in the same manner, and upon the same conditions as appeals may be taken from the circuit courts.

and at Stockton, on the second Monday in October.

Sec. 5. And be it further enacted, That the judges of the southern district of California shall hold one regular session annually at the following places, to wit: at Monterey, on the first Monday in June; and at Los Angeles, on the first Monday in December.

Sec. 6. And be it further enacted, That should the judges of either of the said district courts fail to attend at the time and place of holding any one of the regular terms of the court for either of said districts before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next regular term thereof: Provided, That whenever the judge of either of said courts, from any cause, shall fail to hold a regular term of said court, it shall be his duty, if, in his opinion, the business in said court shall require to hold an intermediate term of said court at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court at least thirty days previous to the commencement of said term, and to be published in the several newspapers published in the bounds of said district the same length of time; and in any and all such intermediate terms, the business of any such courts, of every nature and description whatsoever, shall have reference to, and be proceeded with, in the same manner as if the same were a regular term of said court.

Sec. 7. And be it further enacted, That there shall be allowed to the judge of the northern district aforesaid an annual compensation of three thousand five hundred dollars, and to the judge of the southern district aforesaid an annual compensation of twenty-eight hundred dollars, to commence from the date of their appointments respectively.

Sec. 8. And be it further enacted, That there shall be appointed in each of said districts, a person learned in the law, to act as attorney for the United States, who shall in addition to the fees of office which, for the first four years after the passage of this act, shall be double those of the southern district of New York; and thereafter he shall be entitled to receive the same fees as the attorney of the said southern district of New York, and a salary of five hundred dollars annually as a full compensation for all extra services.

Sec. 9. And be it further enacted, That a marshal shall be appointed in each of said districts, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to receive for the first four years after the passage of this act, double the amount of fees which are prescribed to marshals in the southern district of New York, and thereafter he shall be entitled to receive the fees of the marshal of the said southern district of New York, and shall, moreover be entitled to the sum of five hundred dollars annually as a compensation for all extra services; and the said marshal shall have the right to appoint as many deputies as the duties of his office shall require.

Sec. 10. And be it further enacted, That in addition to the ordinary jurisdiction and powers of a district court of the United States with which the southern district of New York has been invested, the said courts be, and hereby are, invested respectively, within the limits of its district, with the exercise of concurrent jurisdiction and powers in all civil cases now exercised by the circuit courts of the United States; and that in all cases where said courts shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said courts, to the Supreme Court of the United States, in the same manner, and upon the same conditions as appeals may be taken from the circuit courts.

Sec. 11. And be it further enacted, That all civil causes now pending in any of the courts of California, the jurisdiction of which may properly belong to the courts of the United States herein established, shall be removed to the said United States courts either by writ of certiorari, or by a transfer of the original papers with an exemplification from the record or docket entry, under the seal of the court from which they shall be removed, for which exemplification the clerk of said court shall receive the same fees, as may be allowed by law for similar services to be paid by the party applying for such transfer; and in case of a final determination of the cause in favor of the party paying for such record, he shall be entitled to tax the expense thereof as other costs are taxable against the party failing in said suit and all cases, &c., removed shall take rank on the docket and lists of cases of said United States courts according to priority of date, and be proceeded in as cases originally brought in said courts.

America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to place the name of William Paddy, of the State of New York, on the roll of invalid pensioners; and that he be allowed a pension of eight dollars a month, from the first day of January, eighteen hundred and fifty, to continue during his natural life.

Approved September 28, 1850.

AN ACT for the relief of William Wicher.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of William Wicher, of Canterbury, in the State of New Hampshire, on the roll of invalid pensioners, and pay to him a pension at the rate of eight dollars per month, from the first day of January, eighteen hundred and fifty, to continue during his natural life.

Approved September 28, 1850.

A LIST OF LETTERS remaining in the Post Office at Astoria, O. T., April 1, 1851.

A LIST OF LETTERS which, having remained in the Post Office at Astoria, O. T. three months, will be sent to the Dead Letter Office if not called for before June 30, 1851.

Notice to Shipowners & Merchants. The undersigned, having been appointed agent for the disposal of lumber manufactured at Oregon City, Clackamas and Milwaukie, seven miles from Oregon City, the present head of navigation of the Willamette, and will be ready at all times to contract for shipping or sale by the cargo or retail, assorted lumber, square timber shingles, &c., &c.

United States Mail. DROPPINGS for carrying the mails of the United States from the 1st day of July, 1851 to the 30th day of June, 1852, in the Territory of Oregon, will be received at the office of the Special Agent of the Post Office Department in Portland, O. T., until 9 A. M. of the 10th day of May, 1851, on the routes and in the manner and time herein specified, viz:

OREGON TERRITORY. From Portland, once a week, at 6 A. M. Saturday. To Columbia City by 12 M., 30 miles. And back between 1 P. M. and 3 P. M. Proposals to run in close connection with route from Astoria to Oregon City, will be considered.

From Oregon City once a week, at 8 A. M. Monday. To Hamilton Wright's on the Moheln, by 6 P. M. 25 miles. And back between 6 A. M. and 4 P. M. next day.

From Astoria, once a week at 6 A. M. Monday. To Hillsboro' by 6 P. M. 22 miles. And back between 6 A. M. and 6 P. M. Tuesday.

Proposals for greater expedition, naming days and hours for departure and arrival, will be considered.

From Lafayette once a week, at 6 A. M. Monday. By Nat. Ford's and Lockman's, to Marysville by 10 A. M. next day, 50 miles. And back between 12 M., Tuesday, and 6 P. M. next day.

From Salem once a week, at 6 A. M. Thursday. By Hamilton Campbell's, Byrnes', Stanton, Albany, Clatsop, Dr. May's, Spores' and Eugene F. Skinner's. To Pleasant Hill by 6 P. M. next Saturday. And back between 6 A. M. Monday and 6 P. M. next Wednesday.

Proposals to run upon other days, naming times also to transport the mail but once in two weeks, will be considered.

From Hamilton Campbell's once a week at 12 M. Thursday. To Jacob Connor's, officially called Hamilton Forks (Crabtree's) by 6 P. M. 17 miles. And back between 5 A. M. and 11 A. M. Thursday.

From county seat of Polk county, once a week, at 8 A. M. Saturday. To Nat. Ford's by 10 A. M. 5 miles. And back between 12 M. and 2 P. M. Monday.

From Pleasant Hill once a week, at 6 A. M. Monday. To Yacalla. By 12 M. next day, 60 miles. And back between 2 P. M. Tuesday, and 8 P. M. next day.

Proposals for service once in two weeks will be considered.

From Marysville once a week, at 12 M. Tuesday. By Yacalla. To mouth of the Umpqua, by 6 P. M. next Thursday. And back between 6 A. M. Friday and 9 P. M. next Sunday.

If all cases there is to be a forfeiture of the pay of the trip when the trip is not run a forfeiture of at least one-fourth of the value of the running or arrival in as far as the time, so to have the connection with a departing mail; and a forfeiture of a due proportion of it when a grade of service is rendered inferior to that in the contract. These forfeitures may be increased into penalties of higher amount, according to the nature or frequency of the failure and the importance of the mail.

Fines will be imposed unless the delinquency be satisfactorily explained in due time, for failing to take from, or deliver at, a post office, the mail or any part of it; for suffering it to be wet, injured, lost, or destroyed; for conveying it in a place or manner that exposes it to depredation, loss, or injury; for refusing after demand to convey a mail by any coach, railroad car, steamboat, or other conveyance regularly run on the route beyond the specified number of trips in the contract, and for not arriving at the time set; and for setting up or running an express to transport commercial intelligence in advance of the mail, a penalty will be exacted equal to a quarter's pay.

The Postmaster General may annul the contract for repeated failures; for violating the post office laws; for disobeying the instructions of the Department; for not discharging a carrier when required by the Department; for amending the contract without the consent of the Postmaster General, or for setting up or running an express as aforesaid.

The Postmaster General may alter the contract, and alter the schedule, by allowing a pro rata increase of compensation, within the restrictions imposed by law, for the additional service required, or for the increased speed, if the employment of additional stock or carriers is rendered necessary; but the contractor may, in such case, relinquish the contract, on timely notice, if he prefers it to the change. The Postmaster General may annul the contract or curtail the service, and pay, when he wishes to discontinue the service in whole or in part, or place a higher or different grade of service on the route, by allowing one month's extra pay on the amount dispensed with.

The payments will be made through drafts on post offices or otherwise, after the expiration of each quarter—viz. in February, May, August and November.

The distances are given according to the best information; but no increased pay will be allowed, should they prove to be greater than is advertised, if the places are correctly named.

The Postmaster General is prohibited by law from knowingly making a contract for the transportation of the mail with any person who shall have entered into any contract, or consented to enter into any combination, to prevent the making of any bid for a mail contract by any other person or persons, or who shall have made any agreement, or who shall have given or performed, or promise to give or perform, any consideration to do, or not to do, anything whatever to induce any other person not to bid for a mail contract. Particular attention is called to the 29th section of the act of 1836 prohibiting combinations to prevent bidding.

A bid received after time, to wit: the 15th day of May next, at 3 A. M., or without the guaranty required by law, or that contains several routes in one sum of compensation, cannot be considered in competition with a regular proposal not adjudged to be extravagant.

A bidder may offer, where the transportation called for in the advertisement is difficult or impracticable at certain seasons, to substitute an inferior mode of conveyance, or to intermit service a specified number of days, weeks or months. He may propose to omit an office that is inaccessible, or that is not on the stage, road, the railway, or at least at certain seasons, or the route may be so modified or substituted as to require a different mode of conveyance, or to intermit service a specified number of days, weeks or months. He may propose to omit an office that is inaccessible, or that is not on the stage, road, the railway, or at least at certain seasons, or the route may be so modified or substituted as to require a different mode of conveyance, or to intermit service a specified number of days, weeks or months.

The route, the service, the yearly pay, the bidder's name and residence, and the name of each member of the firm, where a company offers, should be distinctly stated; also the mode of conveyance, if a higher mode than on horseback is intended.

The bid should be sent under seal, addressed to the Special Agent, Portland, with Mail Proposals in Oregon Territory, written on the face of the letter; and should be dispatched in time to be received by or before the 15th day of May next, at nine o'clock A. M. It should be guaranteed, and the sufficiency of the guarantors should be daily certified. (See form.)