

1848, ch. 86.

Proviso.

hundred and sixty acres, the rights of such settlers, as to the land settled on, shall be the same as those prescribed by the eighth section of the act entitled "An act to authorize the investigation of certain alleged frauds under the preëmption laws, and for other purposes," approved third March, eighteen hundred and forty-three, for settlers therein provided for: *And provided further*, That the preëmption rights provided for in this act shall attach only to such land as shall become subject to sale at the minimum price of one dollar and twenty-five cents an acre.

APPROVED, May 27, 1852.

May 27, 1852. CHAP. XLIV.—*An Act to provide for the holding of the District Court of the District of Columbia, in cases of Sickness or other Disability of the District Judge.*

Provision for holding the District Court for the District of Columbia in case of sickness or disability of the District Judge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in case of the sickness or other disability of the Judge of the District Court of the United States of the District of Columbia, which shall prevent him from holding any stated or appointed term of the District Court of his district; and upon the fact of such sickness or other disability being certified by the clerk of said District Court to the assistant judges of the Circuit Court of said district, it shall be the duty of the senior Assistant Judge of said court to hold the District Court aforesaid, and discharge all the judicial duties of the District Judge, who shall be sick or otherwise disabled as aforesaid, so long as such sickness or disability shall continue; and in case of the sickness or other disability of said senior Assistant Judge, the same duty shall devolve on the junior Assistant Judge of said Circuit Court; and the said judges, and each of them, is hereby authorized to exercise original jurisdiction in admiralty cases for the purposes of this act and all the acts and proceedings in said District Court, by or before either of said assistant judges, so required to hold said District Court, shall have the same force, effect, and validity, as if done and transacted by and before the District Judge of said District Court.

The substituted justice may sit on appeals from his own decision.

SEC. 2. *And be it further enacted*, That the associate judge holding the District Court as aforesaid shall, and is hereby empowered to sit in the said Circuit Court in any case of appeal or of error from his own decision in said District Court, in the same manner as if said District Court had not been held by him.

APPROVED, May 27, 1852.

June 10, 1852. CHAP. XLV.—*An Act granting the Right of Way to the State of Missouri, and a Portion of the Public Lands, to aid in the Construction of certain Railroads in said State.*

Right of way through the public lands granted to Missouri for railroads, and also right to take materials, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way through the public lands be, and the same is hereby granted to the State of Missouri, for the construction of railroads from the town of Hannibal to the town of St. Joseph, in said State, and from the city of St. Louis to such point on the western boundary of said State as may be designated by the authority of said State, with the right also to take necessary materials of earth, stone, and timber for the construction thereof, from the public lands of the United States adjacent to said railroads:

Proviso as to amount to be taken.

*Provided*, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads as public ways for transportation, including stations, with the usual buildings of all kinds, turnouts and such other appurtenances as are usually enjoyed by railroad companies, and a copy of the location of said roads, made under the direction of the Legislature, shall be for-

Copy of location to be filed.

warded to the proper local land-offices respectively, and to the General Land Office at Washington City, within ninety days after the completion of the same, to be recorded.

SEC. 2. *And be it further enacted*, That there be, and is hereby granted to the State of Missouri, for the purpose of aiding in making the railroads aforesaid, every alternate section of land designated by even numbers, for six sections in width on each side of said road; but in case it shall appear that the United States have, when the line or route of said roads, or either of them, shall be definitely fixed by the authority aforesaid, sold any section or any part thereof granted as aforesaid, or that the right of preëmption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold, or to which the right of preëmption has attached as aforesaid; which lands, thus selected in lieu of those sold, and to which preëmption rights have attached as aforesaid, together with the sections and parts of sections designated by even numbers as aforesaid, and appropriated as aforesaid, shall be held by the State of Missouri for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road in each case: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of the said railroads through such reserved lands; in which case the right of way only shall be granted.

Grant of lands to Missouri in aid of said rail roads.

Provisos.

SEC. 3. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of said roads, shall not be sold for less than double the minimum price of the public lands when sold; which lands shall from time to time be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale.

The minimum price of the sections not granted doubled.

SEC. 4. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

The granted lands to be applied to no other purpose, and the railroads to be free to the use of the U. S.

SEC. 5. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections on each road, and included within a continuous length of twenty miles of said road, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior, that said twenty miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time, until said road is completed; and if said road be not completed within ten years, no

How the granted lands are to be disposed of.

further sales shall be made, and the land unsold shall revert to the United States.

The mail to be transported at such prices as Congress shall fix.

SEC. 6. *And be it further enacted*, That the United States mail shall at all times be transported on said railroads under the direction of the Post-Office Department, at such price as Congress may by law direct.

APPROVED, June 10, 1852.

June 10, 1852.

CHAP. XLVI.—*An Act giving the Assent of Congress to the State of Missouri to impose a Tax or Taxes upon all Lands hereafter sold by the United States therein, from and after the Day of such Sale.*

Missouri may tax public lands as soon as sold.

Proviso as to tax on non-residents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the assent of Congress is hereby given to the State of Missouri, to impose a tax or taxes upon all lands hereafter sold by the United States, in said State, from and after the day of such sale: *Provided*, That the assent hereby given shall in nowise impair that provision of the compact with the said State which declares that all lands belonging to citizens of the United States residing without the said State shall never be taxed higher than lands belonging to persons residing therein.

APPROVED, June 10, 1852.

June 15, 1852.

CHAP. XLIX.—*An Act relating to the Salaries of Officers of the Territories of the United States.*

Salaries of territorial officers not to be paid in case of their absence from the territory, unless the President shall certify that there was good cause for such absence.

Proviso in act of 1851, ch. 32, modified.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any officer of either of the Territories of the United States shall be absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence shall occur, unless good cause therefor shall be shown to the President of the United States, who shall officially certify his opinion of such cause to the proper accounting officer of the treasury, to be filed in his office.

SEC. 2. *And be it further enacted*, That the proviso contained in an act entitled "An act making appropriations for the payment of the civil and diplomatic expenses of the government, for the year ending the thirtieth day of June, eighteen hundred and fifty-one, relating to the officers of the Territories of the United States," be, and the same is hereby so modified as to authorize the payment of the salary of any officer therein named, notwithstanding such officer may have been absent from such Territory and his official duties for more than sixty days: *Provided*, The President of the United States shall certify officially his opinion that the absence of such officer has been for good and sufficient cause.

Neither the proviso in act of 1851, ch. 32, nor this act to apply to certain officers in Utah.

SEC. 3. *And be it further enacted*, That nothing in the said proviso, or in this act, shall be so construed as to prevent the payment of the salaries of the Chief Justice, Associate Justice, and Secretary of State of the Territory of Utah, who have withdrawn from said Territory, for reasons set forth in their report to the President of the United States.

APPROVED, June 15, 1852.

June 19, 1852.

CHAP. LI.—*An Act making an Appropriation for the Payment of Navy Pensions for the Year ending the thirtieth of June, one thousand eight hundred and fifty-three.*

Appropriation for navy pensions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sum be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the pay of navy pensions for the year ending thirtieth June, one thousand eight hundred and fifty-three: For invalid pensions, forty-five thousand dollars.

APPROVED, June 19, 1852.