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 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 And it is further enacted, That this act shall be and remain in force during the term of five years, unless sooner repealed by Congress; and all claims presented or sued upon, according to the provisions of this act, within the said term of five years, may be prosecuted to final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.
ing or being on land not his own, or shall maliciously break down or injure any fence enclosing or belonging to another's land, or shall maliciously sever from the freehold of another any product thereof, or anything attached thereto, shall be punished by imprisonment in jail not more than three months, or by a fine not exceeding one hundred dollars.

Sec. 2. And be it further enacted, That every person who, in said District, without color of right, shall wilfully commit any trespass by cutting down or destroying any timber or wood standing on the land of another, or by carrying away any kind of timber or wood cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf, or mold from such land, or any roots, fruit, or plant there being, or by cutting down or carrying away any grass, hay, grain, or corn standing, or being on such land, shall be punished by imprisonment in jail not more than sixty days, or by a fine not exceeding sixty dollars.

Sec. 3. And be it further enacted, That every person who, in said District, without color of right, shall wilfully commit any trespass by entering upon the garden, orchard, or other improved land of another, with intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetables there growing or being, shall be punished by imprisonment in jail not more than forty days, or by a fine not exceeding fifty dollars.

Sec. 4. And be it further enacted, That justices of the peace shall have exclusive original jurisdiction in all cases mentioned in the preceding sections, saving, however, to any party convicted before such justice, the right to a trial by jury on his appeal to the criminal court.

Sec. 5. And be it further enacted, That every person convicted before a justice of the peace of any offence named in this act, and appealing therefrom, shall be committed to abide the sentence of the criminal court, until he shall recognize, with sureties, in such reasonable sum as the justice shall require, with condition to appear at said court, there to prosecute his appeal and to abide sentence thereon. On such appeal being taken and bond filed, the justice shall make a copy of the conviction and other proceedings in the case and transmit the same, together with the recognizance, to the clerk of the criminal court.

Approved, June 22, 1860.

CHAP. CC.—An Act providing for the Erection of a Post-Office in the City of Philadelphia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of the third section of an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, Anno Domini eighteen hundred and sixty," passed March third, eighteen hundred and fifty-nine, be, and the same is hereby, repealed.

Sec. 2. And be it further enacted, That if the premises agreed to be purchased by the United States from the American Philosophical Society as a site for a court-house, mentioned in the said third section, should fail to sell on account of any defect or qualification in the title thereto, that then the sum of seventy-eight thousand dollars, appropriated by the act of August eighteenth, eighteen hundred and fifty-six, entitled "An act making appropriations for certain civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-seven," passed March third, eighteen hundred and fifty-nine, be, and the same is hereby, repealed.

Sec. 2. And be it further enacted, That if the premises agreed to be purchased by the United States from the American Philosophical Society as a site for a court-house, mentioned in the said third section, should fail to sell on account of any defect or qualification in the title thereto, that then the sum of seventy-eight thousand dollars, appropriated by the act of August eighteenth, eighteen hundred and fifty-six, entitled "An act making appropriations for certain civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-seven," passed March third, eighteen hundred and fifty-nine, be, and the same is hereby, repealed.

Approved, June 22, 1860.