

be, and is hereby, repealed, and no officer of the navy employed as superintendent shall receive other than the shore-duty pay of his grade.

APPROVED, March 3, 1865.

March 3, 1865. CHAP. CXV. — *An Act for the Relief of the Occupants of the Lands of the Ex-mission of San José, in the State of California.*

Rightful occupants of the lands of the ex-mission of San José may enter and purchase the same of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person who has the possession rightfully as against all others except the United States, or, being out of possession, is, as against all others except as aforesaid, entitled to the possession of any portion of the tract of land situate in the county of Alameda, State of California, known as the lands of the ex-mission of San José, as included in the map and survey thereof, made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall have the right, and the right is hereby granted to each and every such person, to enter and purchase of the United States, at the sum or price of one dollar and twenty-five cents per acre, such portion of said tract so rightfully possessed by him, her, or them, or to which he, she, or they may so have such right of possession, whether such person claim the same by conveyance from or under Andres Pico and Juan B. Alvarado, or either of them, or by possession only: *Provided, however,* That any person entitled under this act to a parcel of less than eight acres shall in all such cases pay ten dollars for the same.

Proviso.

Persons desiring the benefit of this act to present survey within one year, and written statement.

SEC. 2. *And be it further enacted,* That every person claiming any benefit under this act shall, within one year from the passage thereof, present to the register and receiver of the United States land-office at San Francisco a survey or plat of the portion of said tract claimed by him, her, or them, and which shall exhibit the quarter section or sections, or parts thereof, included in said plat, made by or under the direction of the United States surveyor-general for California, and therewith a written statement setting forth the right of such claimant to enter and purchase such portion under the provisions of this act, and whether the said claimant has acquired the alleged title of said Pico and Alvarado, or either of them thereto, or holds by possession only; and thereupon such register and receiver shall, under such rules as may be prescribed by the commissioner of the general land-office, proceed and take, hear, and examine the evidence which may be offered in support of or against such claim, and, upon the proofs being closed, shall determine upon and decide the same: *Provided,* That no decision of said register and receiver shall be final until approved by the commissioner of the general land-office.

Register and receiver to take evidence, &c.

Proviso.

Person in whose favor final decision is made to have patent.

SEC. 3. *And be it further enacted,* That the claimant in whose favor final decision has been made, upon paying to the receiver of the land-office at San Francisco for the land embraced in such final decision the sum therefor prescribed in the first section of this act, shall be entitled to a patent for such land from the United States, conveying all the interest of the United States therein to such claimant.

Lines of public surveys to be extended over said lands, when, &c.

SEC. 4. *And be it further enacted,* That upon all proceedings under this act being closed, and upon the appeal, taken to the supreme court of the United States by E. L. Beard and others, claimants of said lands against the United States, being dismissed, or the decree appealed from affirmed, the surveyor-general of the United States for California shall cause the lines of the public surveys to be extended over all portions of said land which shall not have been disposed of under the provisions hereof, and thereafter the same shall be disposed of as in the case of other public lands.

APPROVED, March 3, 1865.