

STATUTE I.

May 5, 1830.

CHAP. LXXXVII.—*An Act to authorize the appointment of a marshal for the northern district of the state of Alabama.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a marshal shall be appointed for the northern district of the state of Alabama, whose duties shall be the same, in every respect, within said district, as those required by law to be performed by the present marshal.

SEC. 2. *And be it further enacted,* That when a marshal shall be appointed for said northern district, he shall be entitled to a salary of two hundred dollars per annum, besides the fees of office fixed by law. And the salary of the present marshal be two hundred dollars per annum, instead of the sum heretofore allowed. The sum allowed, by law, to the marshal of Alabama, for taking the fifth census, shall be divided between the marshals of south and north Alabama, according to the number of souls enumerated in each district; and so soon as the marshal for the northern district shall be appointed under this act, the duties of the present marshal shall cease and determine in said district.

APPROVED, May 5, 1830.

Marshal created for North Alabama.

Salary, fees.

CHAP. LXXXIX.—*An Act to change the time of holding the court of the United States for the district of Mississippi, and the circuit court of the United States in the district of Ohio.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That instead of the times now prescribed by law for holding the court of the United States for the district of Mississippi, the said court shall commence its sessions on the fourth Monday in January, and the fourth Monday in June, in each and every year.

SEC. 2. *And be it further enacted,* That all process which may have issued from said court, at the passage of this act, and which may issue previous to the fourth Monday of June next, shall, by virtue of this act, be returnable before the said court on that day; and all causes pending in the said court, and which may have been continued by order thereof, to the term heretofore directed to be held on the first Monday in October next, shall, by virtue of this act, stand continued to and be triable at the term hereby directed to be held on the fourth Monday in June next.

SEC. 3. *And be it further enacted,* That the circuit court of the United States, within and for the district of Ohio, instead of the time now fixed by law, shall hereafter be held on the second Monday of July, and the third Monday of December, in each year; and the district court of the United States, in and for said district, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the circuit court. And the circuit court for the district of west Tennessee, shall hereafter be held on the first Monday in September in each year, instead of the time now fixed by law. And all suits and matters of every kind returnable to, or pending in, either of said courts, shall be held to be returnable, and continued, to the terms of said courts herein provided for.

APPROVED, May 5, 1830.

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Sessions of district court to begin 4th Monday in Jan. and 4th Monday in June.

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Process returnable, &c.

Causes continued, &c.

Circuit court in Ohio to be held 2d Monday in July and 3d Monday in Dec.

District court to be held, &c. Vol. ii. 568.

Process, &c.

CHAP. XC.—*An Act for further extending the powers of the judges of the superior court of the territory of Arkansas, under the act of the twenty-sixth day of May, one thousand eight hundred and twenty-four, and for other purposes. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act, approved on the

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[Obsolete.]

Act of May 26, 1824, ch. 173, continued.

(a) See notes to the act of May 26, 1824, ch. 173.

Court in Arkansas authorized to revise certain decrees, &c. and to reverse them.

Mode of proceeding.

No entries of land to be made until, &c.

Requisites to the issuing of patents under decrees of said court: 1st. Original warrant, &c. to be produced, &c.

2d. Genuineness of this warrant, &c. to be established to satisfaction of commissioner of general land office, or of said court upon review.

Entries, patents, &c. not to be made, except, &c.

In case of reversal, &c. lands to be subject to sale, &c.

President of U. S. authorized to employ additional counsel.

twenty-sixth day of May, one thousand eight hundred and twenty-four, entitled "An act to enable claimants to lands within the limits of the state of Missouri and territory of Arkansas, to institute proceedings to try the validity of their claims," shall be, and hereby is, continued in force, so far as the said act relates to the claims within the territory of Arkansas, until the first day of July, one thousand eight hundred and thirty-one, for the purpose of enabling the court in Arkansas, having cognisance of claims under the said act, to proceed by bills of review, filed, or to be filed, in the said court, on the part of the United States, for the purpose of revising all or any of the decrees of the said court in cases wherein it shall appear to the said court, or be alleged in such bills of review, that the jurisdiction of the same was assumed, in any case, on any forged warrant, concession, grant, order of survey, or other evidence of title; and, in every case wherein it shall appear to the said court, on the prosecution of any such bill of review, that such warrant, concession, grant, order of survey, or other evidence of title, is a forgery, it shall be lawful, and the said court is hereby authorized to proceed, by further order and decree, to reverse and annul any prior decree or adjudication upon such claim; and thereupon such prior decree or adjudication shall be deemed, and held in all places whatever, to be null and void to all intents and purposes. And the said court shall proceed on such bills of review, by such rules of practice and regulations as they may adopt, for the execution of the powers vested or confirmed in them by this act.

SEC. 2. *And be it further enacted,* That no entries of land in any of the land offices in Arkansas, under any of the provisions of the said act, shall be made, until the further direction of Congress.

SEC. 3. *And be it further enacted,* That no patent shall be issued for lands under any decree of the said court, in any case in which the original warrant, concession, grant, or order of survey, has been withdrawn from the files of the said court, unless the person or persons claiming such patent shall first produce and deposit, in the office of the commissioner of the general land office, the original warrant, concession, grant, or order of survey, on which such decree was founded, and on which the said court took jurisdiction under the said act; and no patent shall be issued until the further order of Congress, in any case, under the said act, until it shall satisfactorily appear to the commissioner of the general land office that the warrant, concession, grant, or order of survey, on which any lands are claimed, under any decree of the said court, was, in fact, made or issued by or under the authority of the person or persons purporting to have made or issued the same, or unless the said warrant, concession, grant, or order of survey shall have been determined by the said court, on the hearing of a bill of review, to be genuine.

SEC. 4. *And be it further[enacted,]* That no entry, survey, or patent, shall, at any time hereafter, be made or issued under the said act, except in the name of the original party to any such decree, and on proof to the satisfaction of the officers, respectively, that the party applying is such original party, or is duly authorized by such original party, or his heirs, to make, receive, or require such entry, patent, or survey.

SEC. 5. *And be it further enacted,* That in all cases in which the said court shall, by decree or adjudication, under this act, review and annul any prior decree or adjudication therein, any lands which may have been heretofore entered, under any such prior decree or adjudication, shall, thereafter, be subject to sale or entry as other public lands of the United States may be.

SEC. 6. *And be it further enacted,* That the President of the United States is hereby authorized to employ, on behalf of the United States, such counsel on their part, in the territory of Arkansas, or elsewhere, to be associated for that purpose with the district attorney of the same

territory, as he may deem the interests of the United States may require, in the prosecution of such bills of review before the said court.

SEC. 7. *And be it further enacted*, That, in all cases, the party against whom the judgment or decree of the said court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, which court shall have power to review the decision of the court below, both on the law and the facts; and the court in Arkansas be, and the same is hereby required to spread upon the record the whole testimony, together with the reasons for their decision in each case, and to transmit to the Supreme Court of the United States the same, together with the original warrant, concession, grant, order of survey, or other evidence of title.

SEC. 8. *And be it further enacted*, That each of the judges of the supreme court of the territory of Arkansas shall, while in the discharge of their duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to their salary as judges of the superior court for the territory of Arkansas, which shall be in full for their services, to be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, May 8, 1830.

Appeal to the Supreme Court United States.

Grounds of appeal.

Extra compensation to judges, \$800 dollars per annum.

Appropriation.

STATUTE I.

CHAP. XCI.—*An Act supplementary to the act, entitled "An act to authorize the citizens of the territories of Arkansas and Florida to elect their officers, and for other purposes."*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in case any vacancy has occurred, or shall occur in any office to which any person has been, or shall be elected by the citizens of Arkansas, under the provisions of the act to which this is a supplement, either by a refusal to accept the same, or by death, resignation, or otherwise, the governor of the said territory is hereby authorized and required to supply such vacancy, until the next general election; and in case any vacancy shall occur, in the offices of justice of the peace, auditor, or treasurer for the said territory, either by a refusal to accept the same, or by death, resignation, or otherwise, the governor thereof is hereby authorized and required to supply such vacancy until the next meeting of the legislature.

APPROVED, May 8, 1830.

May 8, 1830.

[Obsolete.]

Certain vacancies to be filled by governor till next general election.  
Act of Jan. 21, 1829, ch. 13.

Others till meeting of legislature.

STATUTE I.

CHAP. XCII.—*An Act to authorize the re-conveyance of a lot of land to the mayor and corporation of the city of New York.*

WHEREAS the mayor and corporation of the city of New York, on the sixth May, one thousand eight hundred and eight, did convey to the United States, a lot of land at the foot of Hubert-street, in the city of New York, called the North Battery, "so long as the same should be used and applied to the defence and safety of the port of New York, and no longer."

*Be it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, whenever the President of the United States shall determine that the said lot is no longer useful for the purposes aforesaid, he be, and he hereby is, authorized to cause the same to be re-conveyed to the mayor and corporation of New York, the works thereon to be dismantled, and the materials thereof to be disposed of, in such manner as, in his judgment, the public interest may require.

APPROVED, May 10, 1830.

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President of United States authorized to re-convey North Battery to the city of New York, &c.