

Feb. 14, 1853.

CHAP. LXIX.— *An Act to amend an act entitled "An Act to create the Office of Surveyor-General of the Public Lands in Oregon, and to provide for the Survey, and to make Donations to the Settlers of the said Public Lands," approved September twenty-seventh, eighteen hundred and fifty.*

1850, ch. 76.

Payment may be substituted by settlers in Oregon for the continued occupation required by act of 1850, ch. 76.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who have located or may hereafter locate lands in the Territory of Oregon, in accordance with the provisions of an act entitled "An act to create the office of Surveyor-General of the Public Lands in Oregon, and to provide for the Survey, and to make Donations to the Settlers of the said Public Lands," approved September twenty-seven, eighteen hundred and fifty, and of which survey shall have been made or may hereafter be had, in lieu of the term of continued occupation after settlement, as provided by said act, shall be permitted, after occupation for two years of the land so claimed, to pay into the hands of the Surveyor-General of said Territory at the rate of one dollar and twenty-five cents per acre for the lands so claimed, located, and surveyed as aforesaid; and upon the death of any settler before the expiration of the two years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs at law of such settler, including the widow, where one is left, in equal parts; and proof of compliance with the conditions of this act, up to the time of the death of such settler, shall be sufficient to entitle them to the patent.

Patents to issue.

SEC. 2. *And be it further enacted,* That upon the payment of money for lands as aforesaid to the said Surveyor-General, he shall issue his certificate of such payment, together with an accurate copy of the survey of the land so located, and purchased, to the purchaser thereof, and upon the filing of which said certificate and copy of survey in the office of the Commissioner of the General Land Office, a patent shall issue therefor as in other cases.

Record of such payments to be made, and accounts rendered.

SEC. 3. *And be it further enacted,* That it shall be the duty of the said Surveyor-General to keep and preserve a record of all moneys so received, and to make out and transmit quarterly, to the Commissioner of the General Land Office, an accurate report of the moneys so received by him as aforesaid.

Surveyor-General of Oregon to give bond.

Provisos.

SEC. 4. *And be it further enacted,* That it shall be the duty of the said Surveyor-General, immediately upon the taking effect of this act, to enter into security in the sum of fifty thousand dollars, conditioned for the safe-keeping of all moneys received by him as Surveyor-General, according to law: *Provided, however,* That in order to compensate the Surveyor-General of said Territory for the additional labors and responsibility imposed upon him by this act, in receiving, safe-keeping, paying over, and accounting for the moneys aforesaid, he shall receive two per centum on all such sums which shall include the payment for clerk hire, together with all costs and expenses incidental to such special services in any one year: *Provided,* The salary and per centage of said Surveyor-General, and for clerk hire, shall not exceed four thousand dollars for any one year.

His compensation increased by a per centage on such payments.

Limits of compensation.

Act of 1850, ch. 76, extended to Dec. 1, 1855.

SEC. 5. *And be it further enacted,* That the provisions of the act to which this is an amendment be and the same are hereby extended and continued in force until the first day of December, eighteen hundred and fifty-five.

Notice to be given to entitle settlers in Oregon to the benefit of the act of 1850, ch. 76, sec. 4.

SEC. 6. *And be it further enacted,* That every person entitled to the benefit of the fourth section of the act of which this is amendatory, who was resident in said Territory on or prior to the first of December, eighteen hundred and fifty, shall be and hereby is required to file with the Surveyor-General of said Territory, in advance of the time when the public surveys shall be extended over the particular land claimed by him, where those surveys shall not have been made previous to the date

of this act, a notice in writing, setting forth his claim to the benefits of said section, and citing all required particulars in reference to such settlement claim; and all persons failing to give such notice on or prior to the first of December, eighteen hundred and fifty-three, shall be thereafter debarred from ever receiving any benefit under said fourth section. And all persons who, on the first December, eighteen hundred and fifty-three, shall have settled on surveyed lands in said Territory, in virtue of the provisions of the fifth section of the act of which this is amendatory, who shall fail to give notice in writing of such settlement, specifying the particulars thereof to the Surveyor-General of said Territory, on or prior to the first of April, eighteen hundred and fifty-five, shall be thereafter debarred from ever receiving the benefits of said fifth section.

SEC. 7. *And be it further enacted*, That from and after the first of April, eighteen hundred and fifty-five, all public lands within the limits of the townships surveyed or to be surveyed in said Territory, west of the Cascade mountains, which shall not have been claimed under the provisions of the fourth and fifth sections of the act of which this is amendatory, or reserved for public uses by law, or order of the President, and excepting also mineral lands, shall be subject to public sale and private entry as other public lands of the United States; and so soon as he shall deem expedient, the President of the United States shall, by and with the advice and consent of the Senate, appoint a receiver of public moneys for the Territory of Oregon, west of the Cascade mountains, who shall give bond and security, in the penalty of fifty thousand dollars, for the faithful discharge of his official trust, and whose duties, under the laws in relation to the public lands of the United States in said Territory, shall be the same as those of other like officers of the United States, and who shall be allowed not exceeding five hundred dollars per annum for the safe-keeping and accounting for the public moneys by him received, including all charges for office rent and clerk hire; and at such time as the President of the United States shall deem it expedient, he shall appoint, by and with the advice and consent of the Senate, a Register of the land office for the Territory of Oregon, west of the Cascade mountains, who shall enter into bond, with sufficient security, for the faithful discharge of his official duties, as other like officers, and whose duties and authority, under the direction of the Secretary of the Interior, shall be the same as those imposed by law on other like officers, consistently with the provisions of this act and of the act of which this is amendatory, and whose compensation shall be equal to that allowed to the Receiver of Public Moneys to be appointed under this act; and until such Register shall have been appointed, and entered upon the discharge of his official duties, the Surveyor-General of Oregon shall perform all the duties which shall appertain to such office.

SEC. 8. *And be it further enacted*, That each widow now residing in Oregon Territory, and such others as shall locate in said Territory, whose husband, had he lived, would have been entitled to a claim under the provisions of the act to which this is an amendment, shall be entitled, under the provisions and requirements of said act, to the same quantity of land that she would have been but for the death of her husband; and that in case of the death of the widow prior to the expiration of the four years' continued possession required by said act, to which this is an amendment, all the rights of the deceased shall inure unto and be vested in the heirs at law of such widow.

SEC. 9. *And be it further enacted*, That all reservations heretofore, as well as hereafter, made in pursuance of the fourteenth section of the act to which this is an amendment, shall, for magazines, arsenals, dock-yards, and other needful public uses, except for forts, be limited to an amount not exceeding twenty acres for each and every of said objects at any one point or place, and for forts to an amount not exceeding six

Sale of the lands in Oregon west of the Cascade mountains.

Receiver to be appointed. His pay and duties.

Register to be appointed. His pay and duties.

Until a register is appointed, the Surveyor-General to perform his duties.

Rights of widows and heirs of settlers in Oregon under act of 1850, ch. 76.

Limit of reservations made or to be made under act of 1850, ch. 76, sec. 14.

Provision for compensation when land of a settler is included within a reservation.

hundred and forty acres at any one point or place: *Provided*, That if it shall be deemed necessary, in the judgment of the President, to include in any such reservation the improvement of any settler made previous to such reservation, it shall, in such case, be the duty of the Secretary of War to cause the value of such improvements to be ascertained; and the amount so ascertained shall be paid to the party entitled thereto, out of any money in the Treasury not otherwise appropriated.

Surveyor-General in Oregon made subject to act of 1846, ch. 90.

SEC. 10. *And be it further enacted*, That the said Surveyor-General, in the discharge of his duties under this act, shall be subject to all the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August sixth, eighteen hundred and forty-six; and all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

APPROVED, February 14, 1853.

Feb. 16, 1853.

CHAP. LXXVI. — *An Act to prevent in certain cases a failure or delay of Justice in the Courts of the District of Columbia.*

Where a case has been commenced before the jury, it may be proceeded with, notwithstanding the intervention of another term.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That where, at any term of the Circuit or Criminal Court of the District of Columbia, a jury shall be empannelled to try any cause or any issue or issues joined in any cause, and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, the Court shall and may, nevertheless, proceed with the trial by the same jury in every respect as if such term had not commenced; and all subsequent proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been empannelled, any law or usage to the contrary notwithstanding.

APPROVED, February 16, 1853.

Feb. 21, 1853.

CHAP. LXXIX. — *An Act Amendatory of Existing Laws relative to the Half Dollar, Quarter Dollar, Dime, and Half Dime. (a)*

1853 ch. 96 § 7. Weight of the half dollar and quarter, dime and half dime, after June 1, 1853.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June, eighteen hundred and fifty-two, [three] the weight of the half dollar or piece of fifty cents shall be one hundred and ninety-two-grains, and the quarter dollar, dime, and half dime, shall be, respectively, one half, one fifth, and one tenth of the weight of said half dollar.

Such coins when to be a legal tender.

SEC. 2. *And be it further enacted*, That the silver coins issued in conformity with the above section, shall be legal tenders in payment of debts for all sums not exceeding five dollars.

Purchase of the silver bullion for such coinage.

SEC. 3. *And be it further enacted*, That in order to procure bullion for the requisite coinage of the subdivisions of the dollar authorized by this act, the Treasurer of the Mint shall, with the approval of the Director, purchase such bullion with the bullion fund of the mint. He shall charge himself with the gain arising from the coinage of such bullion into coins of a nominal value exceeding the intrinsic value thereof, and shall be credited with the difference between such intrinsic value and the price paid for said bullion, and with the expense of distributing said coins as hereinafter provided. The balances to his credit, or the profit of said coinage, shall be, from time to time, on a warrant of the Director of the mint, transferred to the account of the Treasury of the United States.

Such coins, how to be exchanged and paid out of mint.

SEC. 4. *And be it further enacted*, That such coins shall be paid out at the mint, in exchange for gold coins at par, in sums not less than one hundred dollars; and it shall be lawful, also, to transmit parcels of the

(a) Act of Jan. 18, 1827, ch. 3, sec. 9; 5 Stat. at Large, 137; 1853, ch. 96, sec. 7.