

Jan. 19, 1859. CHAP. XI.—*An Act authorizing the Issue of Registers to the Steamships America and Canada, and to change the Names of said Steamships.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue registers for the steamships "America" and "Canada," now lying in the port of New York, and that the names of said ships be changed to the "Mississippi" and "Coatzacoalcos;" and said ships shall hereafter be considered and deemed to be ships or vessels of the United States, and entitled to all the rights and privileges accorded by law to ships or vessels built in the United States: *Provided,* That this act shall not go into effect until due proof shall be made to the satisfaction of said Secretary that said vessels are wholly owned by citizens of the United States or by an incorporated company entitled to receive registers for ships or vessels under the provisions of existing laws.

APPROVED, January 19, 1859.

Jan. 25, 1859. CHAP. XIII.—*An Act to provide for holding the Courts of the United States in the State of Alabama.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of sickness or other disability of the district judge of the district courts of the United States in the State of Alabama, it shall be lawful for the justice of the Supreme Court of the United States for the fifth judicial circuit upon notice thereof from the judge or marshal of the said district courts, to hold any of said district courts at the regular term thereof, or at such special terms as he may appoint for that purpose.

SEC. 2. *And be it further enacted,* That at any special sessions of the circuit court of the United States in said State, which shall be convened by the presiding judge of the said court, it shall be lawful for the court to entertain jurisdiction and transact business in the same manner, and with the same force and effect as at a regular term of said court.

SEC. 3. *And be it further enacted,* That this act shall continue in force until the fourth day of March, eighteen hundred and sixty-one, and no longer.

APPROVED, January 25, 1859.

Feb. 2, 1859. CHAP. XVII.—*An Act for the Enforcement of Mechanics' Liens on Buildings, and so forth, in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall hereafter, by virtue of any contract with the owner of any building, or with the agent of such owner, perform any labor upon, or furnish any materials, engine, or machinery, for the construction or repairing of such building, shall, upon filing the notice prescribed in section second of this act, have a lien upon such building and the lot of ground upon which the same is situated, for such labor done, or materials, engine, or machinery furnished, when the amount shall exceed twenty dollars.

SEC. 2. *And be it further enacted,* That any person wishing to avail himself of this act, whether his claim be due or not, shall file in the office of the clerk of the circuit court for the District of Columbia, at any time after the commencement of the said building and within three months after the completion of such building or repairs, a notice of his intention to hold a lien upon the property declared by this act liable to such lien, for the amount due or to become due to him, specifically setting forth the amount claimed. Upon his failure to do so, the lien shall be lost. The clerk aforesaid shall file and record such notice in a book provided for that purpose.

SEC. 3. *And be it further enacted,* That such lien shall cease to exist at the expiration of one year after the completion of the building or repairs, unless, before that time, an action to enforce the same shall have been commenced in the said circuit court by the person having such lien against the owner with whom or with whose agent the contract was made, unless such claim be not due at the expiration of one year after such completion, in which case the action shall be commenced within three months after the same shall have become due.

Lien expires in a year, unless action brought to enforce it meanwhile.
Unless, &c.

SEC. 4. *And be it further enacted,* That the complaint of the plaintiff shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, the time when the building was completed, if it be completed, with a description of the premises, and any other material facts, and shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the lien.

Complaint, contents and prayer of.

SEC. 5. *And be it further enacted,* That the summons shall be served as in other cases, or, instead of service by publication, it may be made by delivering a copy thereof to the person in possession of the premises. If the defendant shall have sold or disposed of the premises before the service of the summons, the court shall direct notice of the proceedings to be served on the purchaser, or his agent for the premises, who may thereupon, if he desire it, be made a party defendant in the action.

Summons how served.

SEC. 6. *And be it further enacted,* That the proceedings in an action to enforce such lien shall be the same as in other actions, except as otherwise provided in this act; and if judgment be rendered for the plaintiff, he may have execution issued against the premises, and thereupon the marshal shall proceed as upon other executions upon real property.

Proceedings in the action.

SEC. 7. *And be it further enacted,* That the liens created in pursuance of the provisions of this act shall have precedence over all other liens or incumbrances which attached upon the premises subsequent to the time at which said notice was given. If, upon a sale of the premises on execution, the proceeds be insufficient to pay all such liens, the court shall order them to be paid in proportion to the amount, respectively, due to each, and any other property of the defendant not exempt from execution may be sold to satisfy such execution.

Liens by this act to have priority over all attaching after the notice.

Pro rata payments.

SEC. 8. *And be it further enacted,* That if the building be on any land lying outside the corporate limits of Washington city and Georgetown, the land upon which the same is erected, together with the space around the same, not exceeding five hundred square feet clear of the building, shall also be subject to the said lien, if the said land, at the time of the erection or repair of such building, shall have been the property of the person contracting for the erection or repair of the same. If the building be in Washington city or Georgetown, the ground on which the same is erected, and a space of ground equal to the front of the building, and extending to the depth of the lot or lots on which it is erected, shall also be bound by the said lien, subject to the foregoing proviso.

Extent of lien if building is outside of Washington city or Georgetown.

If within said cities.

SEC. 9. *And be it further enacted,* That all or any number of persons, having liens on the same building, pursuant to the provisions of this act, may join in one action, but their claims shall be stated distinctly as in a separate action, and the judgment shall show the amounts to which they are respectively entitled. If several such actions be brought by different claimants, and be pending at the same time, the court may order them to be consolidated.

All having liens on same building may join in the action.

Actions may be consolidated.

SEC. 10. *And be it further enacted,* That whenever any person having a lien, by virtue of the provisions of this act, shall have received satisfaction for his claim, and the cost of his proceedings thereon, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within six days after such payment or tender, enter satisfaction of his demand in the office of the clerk afore-

If claim and costs are paid or tendered, satisfaction to be entered in clerk's office in six days after.

Penalty for neglect.

said; and upon failure to do so he shall forfeit and pay fifty dollars to the party aggrieved, and all damages which he may have sustained in consequence of such failure or neglect.

How defendant may discharge the lien.

SEC. 11. *And be it further enacted*, That in all proceedings, commenced under this act, the defendant may file a written undertaking, with surety to be approved by the court, to the effect that he will pay the judgment that may be recovered, and costs, and thereby release his property from the lien hereby created.

Persons in possession of, and performing labor on, any personal property at owner's request, to have lien.

SEC. 12. *And be it further enacted*, That any person, having possession of the same, who shall make, alter, repair, or bestow any labor on any article of personal property, at the request of the owner or lawful possessor thereof, shall have a lien on such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the materials he has furnished; and such person may hold and retain possession of the same until such just and reasonable charges shall be paid; but if possession pass from such person by his consent, the lien shall cease.

If no special agreement.

SEC. 13. *And be it further enacted*, That the provisions of section twelve of this act shall not interfere with any special agreement of the parties.

Act, 1833, ch. 80, vol. iv. p. 659, &c. repealed.

SEC. 14. *And be it further enacted*, That the act entitled "An act to secure to mechanics and others," &c., approved March second, eighteen hundred and thirty-three, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed, and this act shall take effect from the date of its passage.

This act to take effect from its passage.

APPROVED, February 2, 1859.

Feb. 2, 1859.

CHAP. XVIII.—*An Act to provide for the Lighting with Gas certain Streets across the Mall.*

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of six thousand four hundred dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for laying down gas pipes and erecting gas lamps on Four-and-a-half street, Seventh street, and Twelfth street, across the plat of earth described in the plan of the city as reservation numbers two and three, commonly known as the Mall, the same to be expended under the direction of the Commissioner of Public Buildings. This act shall be in force from its passage.

This act to take effect from its passage.

APPROVED, February 2, 1859.

Feb. 2, 1859.

CHAP. XIX.—*An Act to fix and regulate the Compensation of Receivers and Registers of the Land-Offices under the Provisions of the Act approved April twentieth, eighteen hundred and eighteen.*

1818, ch. 123.

Construction of act, 1818, ch. 123, vol. iii. p. 466.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act for changing the compensation of receivers and registers of the land-offices," approved April twentieth, eighteen hundred and eighteen, shall be so construed by the proper accounting officers of the government as to restrict the aggregate amount allowed as compensation for the registers and receivers commissions on moneys received at any land-office in any one calendar year, to the sum of twenty-five hundred dollars each; and that the registers and receivers shall not receive for any one quarter or fractional quarter more than a pro rata allowance of said maximum of twenty-five hundred dollars. Their compensation, both for salary and commissions, to commence and be calculated from the time they enter on the discharge of their duties.

Pay not to exceed \$2500 per annum.

And pro rata per quarter. When pay to commence.

APPROVED, February 2, 1859.