

to the registers and receivers of public money in the several offices established for the sale of the public lands.

SEC. 3. *And be it further enacted*, That all that part of the southwestern district of Missouri which is situated north of the line between townships thirty-four and thirty-five, and that portion of the Fayette land district lying west of the line dividing ranges twenty and twenty-one west, south of the Missouri river, is hereby annexed to, and shall make a part of the western or Lexington district of Missouri, the office for which district shall be located at such place as the President shall designate.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the same can be done, to cause the plats of the surveys of the new district hereby created, and of the portion annexed to the western district, to be deposited in the proper offices, and he is hereby authorized to allow and pay, out of the proceeds of the sales of the public lands, the reasonable expenses which may be incurred in carrying this act into effect.

SEC. 5. *And be it further enacted*, That this act shall take effect and be in force from and after the expiration of six calendar months from the date of the passage thereof.

APPROVED, August 29, 1842.

Part of certain districts annexed to the Lexington district.

Plats of surveys to be deposited in the proper offices.

Reasonable expenses to be paid.

Act when to take effect

STATUTE II.

Aug. 29, 1842.

CHAP. CCLVII. — *An Act to provide further remedial justice in the courts of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That either of the justices of the Supreme Court of the United States, or judge of any district court of the United States, in which a prisoner is confined, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of any prisoner or prisoners in jail or confinement, where he, she, or they, being subjects or citizens of a foreign State, and domiciled therein, shall be committed or confined, or in custody, under or by any authority or law, or process founded thereon, of the United States, or of any one of them, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, or order, or sanction, of any foreign State or Sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof. And upon the return of the said writ, and due proof of the service of notice of the said proceeding to the Attorney General or other officer prosecuting the pleas of the State, under whose authority the petitioner has been arrested, committed, or is held in custody, to be prescribed by the said justice or judge at the time of granting said writ, the said justice or judge shall proceed to hear the said cause; and if, upon hearing the same, it shall appear that the prisoner or prisoners is or are entitled to be discharged from such confinement, commitment, custody or arrest, for or by reason of such alleged right, title, authority, privileges, protection or exemption, so set up and claimed, and the laws of nations applicable thereto, and that the same exists in fact, and has been duly proved to the said justice or judge, then it shall be the duty of the said justice or judge forthwith to discharge such prisoner or prisoners accordingly. And if it shall appear to the said justice or judge that such judgment or discharge ought not to be rendered, then the said prisoner or prisoners shall be forthwith remanded: *Provided always*, That from any decision of such justice or judge an appeal may be taken to the circuit court of the United States for the district in which the said cause is heard; and from the judgment of the said circuit court to the Supreme Court of the United States, on such

Act of Aug. 23, 1842, ch. 188.

Justices of the Supreme Court, &c. empowered to grant writs of habeas corpus when subjects of foreign States are in custody of the United States, &c.

If the prisoner is entitled to be discharged for the right, &c. claimed, the justice or judge shall forthwith discharge him.

Proviso.

Until final judgment, and after discharge, proceedings in State courts null and void.

terms and under such regulations and orders as well for the custody and appearance of the prisoner or prisoners as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus returned thereto, and other proceedings, as the judge hearing the said cause may prescribe; and pending such proceedings or appeal, and until final judgment be rendered therein, and after final judgment of discharge in the same, any proceeding against said prisoner or prisoners, in any State court, or by or under the authority of any State, for any matter or thing so heard and determined, or in process of being heard and determined, under and by virtue of such writ of habeas corpus, shall be deemed null and void.

APPROVED, August 29, 1842.

STATUTE II.

Aug. 29, 1842.

CHAP. CCLVIII.—*An Act in relation to lands sold in the Greensburgh, late St. Helena, land district, in the State of Louisiana, and authorizing the resurvey of certain lands in said district.*

In cases where the U. S. cannot issue patents, the certificates of purchase may be surrendered to be cancelled.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where lands shall have been entered at the land office in the Greensburgh, late St. Helena, land district, in the State of Louisiana, where the United States cannot issue patents therefor, owing to the errors and imperfections of the public surveys, or to conflicting claims, it shall be lawful for the person having made such entries, or his or her heirs or legal representatives, or grantees, or their heirs or legal representatives, who may [be] legally and equitably entitled to the same, after a demand of the patent, and a refusal to issue the same, to surrender his or her certificate of purchase to the Secretary of the Treasury to be cancelled; and, upon such surrender, it shall be the duty of the Secretary of the Treasury to refund, without interest, the purchase-money for said lands to the person entitled to receive the same, out of any money in the Treasury not otherwise appropriated.

President may cause a resurvey of the unsold lands, &c.

SEC. 2. *And be it further enacted,* That it shall be lawful for the President of the United States, if he shall deem it expedient, to cause a resurvey of all or any part of the lands lying in said district remaining unsold, or the certificates for which may be surrendered in virtue of this or any other act of Congress, thereby correcting the surveys, and designating the lands covered by private claims under Spanish or French grants; and so soon as said resurveys shall have been returned and confirmed by the Secretary of the Treasury, the unreserved public lands therein specified shall be subject to the laws for the disposal of the public lands, and patents therefor shall issue as in other cases: *Provided,* That purchasers aforesaid may retain their certificates of purchase, and the surveys of said tracts shall be corrected, and when said surveys are corrected, may receive their patents from the United States for the land so purchased by them.

Proviso.

APPROVED, August 29, 1842.

STATUTE II.

Aug. 29, 1842.

[Obsolete.]

CHAP. CCLIX.—*An Act to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin, and for other purposes.*

Accounts of the Legislative Assembly to be settled.

No extra compensation to any member, except the presiding officer, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the Treasury Department be directed to audit and settle the accounts for the expenses of the Legislative Assembly of the Territory of Wisconsin, including the printing of the laws and other incidental expenses which have not heretofore been closed and settled at the Treasury Department; but no allowance shall be made for extra compensation to any member of the Legislative Assembly of said Ter-