

nothing herein contained shall be construed so as to release the States of Mississippi or Alabama from any liability imposed upon them by the said act of September twentieth, eighteen hundred and fifty.

APPROVED, February 18, 1859.

CHAP. LVIII.—*An Act to authorize Settlers upon sixteenth and thirty-six[th] Sections, who settled before the Surveys of the Public Lands, to preëmpt their Settlements.* Feb. 26, 1859.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where settlements, with a view to preëmption, have been made before the survey of the lands in the field which shall be found to have been made on sections sixteen or thirty-six, said sections shall be subject to the preëmption claim of such settler; and if they, or either of them, shall have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are hereby appropriated in lieu of such as may be patented by preëmptors; and other lands are also hereby appropriated to compensate deficiencies for school purposes, where said sections sixteen or thirty-six are fractional in quantity, or where one or more are wanting by reason of the township being fractional, or from any natural cause whatever: *Provided,* That the lands by this section appropriated, shall be selected and appropriated in accordance with the principles of adjustment and the provisions of the act of Congress of May twentieth, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for."

Settlers upon sections 16 and 36 may preëmpt their settlements when made before survey and with a view to preëmption; and other lands may be appropriated in lieu thereof and for deficiencies in fractional sections.

Proviso. Mode of selection and appropriation.

1826, ch. 83. vol. iv. p. 179.

APPROVED, February 26, 1859.

CHAP. LIX.—*An Act to protect the Land Fund for School Purposes in Sarpy County, Nebraska Territory.* Feb. 26, 1859.

Whereas by the treaty between the United States and the Omaha tribe of Indians, by which said Indian tribe ceded their lands in the Territory of Nebraska to the United States, a reservation was made of a part of section thirty-six, in town[ship] fourteen north, range thirteen east, for the Presbyterian Board of Foreign Missions; and whereas, by virtue of a joint resolution of Congress, approved March third, eighteen hundred and fifty-seven, a large portion of the remainder of said section thirty-six has been preëmpted, leaving but a fraction for the use of schools: Therefore,—

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of common schools of the county of Sarpy, in which said land is situated, shall be, and [he] hereby is, authorized to select six hundred and forty acres of any unoccupied public lands in said county in subdivisions of not less than one quarter section, in lieu of the aforesaid section thirty-six: *Provided,* That as soon as such selection shall be made it shall be the duty of such superintendent to file a notice thereof, with a description of the land selected, in the office of the register of the land-office in the Omaha land district, who shall thereupon withdraw such land so selected from the list of lands subject to preëmption, or public or private sale in said land district, and shall report the fact to the United States Commissioner of Public Lands, and the land so selected shall, after such filing with the register, belong to the school fund of said county in all respects the same as other school lands; and the fraction of said section thirty-six remaining after satisfying the terms of said treaty, and after said preëptions as mentioned in the foregoing preamble, shall be subject to preëmption, public sale, or private entry, the same as other public lands.

Superintendent of schools for Sarpy county, Nebraska territory, may select public lands in lieu of lands preëmpted and reserved.

Proviso.

APPROVED, February 26, 1859.

Feb. 26, 1859.

CHAP. LX.—*An Act to incorporate the Washington National Monument Society.*

Purpose of incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of completing the erection, now in progress, of “a great national monument to the memory of Washington, at the seat of the federal government,” Winfield Scott, Walter Jones, John J. Abert, James Kearney, Thomas Carbery, Peter Force, William A. Bradley, Philip R. Fendall, Walter Lenox, Matthew F. Maury, and Thomas Blagden (being the survivors of the persons mentioned in a certain grant bearing date on the twelfth day of April in the year one thousand eight hundred and forty-eight, by James K. Polk, then President of the said United States, in virtue of a joint resolution of Congress, approved on the thirty-first day of January in the same year, of an authority to erect a monument to the memory of George Washington, on reservation numbered three in the said city of Washington) and, also, Jonathan B. H. Smith, William W. Seaton, Elisha Whittlesey, Benjamin Ogle Tayloe, Thomas H. Crawford, William W. Corcoran, and John Carroll Brent, and their successors to be elected in the manner hereinafter directed, shall be, and [they] are hereby, created a corporation, and body politic, by the name and style of “The Washington National Monument Society.”

Corporators.

Vol. ix. p. 333.

Name and style.

Rights, privileges, and property.

SEC. 2. *And be it further enacted,* That the easement, and all, and singular the rights and privileges, conveyed in the aforesaid grant, shall be, and the same hereby are, vested in, and confirmed to, the corporation and body politic hereinbefore created; and that any and all property and right of property of any and every kind and description whatsoever, whether in possession, or in action, or in expectancy, which may at any time before the passing of this act have been acquired by the voluntary association heretofore known by the name of the Washington National Monument Society, or which may hereafter be acquired by the corporation and body politic hereinbefore created, shall be, and the same hereby are, vested in, and confirmed to, the corporation and body politic hereinbefore created; and that the said corporation and body politic may apply to its uses, and for the purpose of completing the erection of the monument aforesaid, according to such by-laws, rules, and regulations, as it may, from time to time, hereafter, make and ordain, any and all property, of any and every kind, and description whatsoever, which is now appertaining to said monument, or which the corporation and body politic hereby created may hereafter acquire, by purchase, gift, or other lawful means.

By-laws, &c.

SEC. 3. *And be it further enacted,* That it shall be competent for the persons hereinbefore named and described as constituting the corporation and body politic hereby created, and their successors, to remove, by a vote of four fifths of the said persons, any of their number; and the person so removed shall no longer be a member of said corporation and body politic, nor have any authority therein: *Provided,* That for any other act within the legitimate objects of this corporation a quorum of five shall be sufficient for the transaction of business: *Provided,* That notice of all meetings, which may not be provided for in the by-laws and ordinances of the corporation shall be given to all members thereof residing within the District of Columbia.

Any member may be removed by a four-fifths' vote.

Proviso. Quorum.

Proviso. Notices of meetings not provided for in by-laws.

Vacancies in membership to be filled within ten days.

SEC. 4. *And be it further enacted,* That when any vacancy shall happen in the said corporation and body politic, from death or resignation, or otherwise, the remaining members thereof shall elect and appoint a successor to fill the same, within ten days after the happening of such vacancy; and that on failure to fill the same within thirty days, it shall be the duty of the attorney of the United States for the District of Columbia to proceed against the said corporation and body politic, by a writ of *scire facias*, for a forfeiture of the charter hereby granted before the Circuit Court of the District of Columbia and the adjudication of that court

Proceedings in case of neglect to fill vacancies within 30 days.

thereon shall be conclusive. And should this charter be so adjudged forfeited, the monument and other improvements and property held under the same shall be placed by the President of the United States under the care and custody of the Commissioner of Public Buildings, or such other officer of the United States as he may designate or appoint for the time being.

If charter is forfeited.

SEC. 5. *And be it further enacted*, That the said corporation and body politic, hereinbefore created, shall, by the name and style of the "Washington National Monument Society," have perpetual succession; shall be capable to sue or to be sued, to plead or be impleaded in any court of law or equity in the United States; may have and use a common seal, and the same may destroy, alter, and renew at pleasure, and shall have power to purchase, take, receive, and enjoy, to them and their successors, any and all property, of any kind and description whatsoever, for the purpose of completing the erection of said monument; to dispose of the same as they shall deem most conducive to the object of completing the erection, now in progress, of the monument aforesaid; to elect, so soon after the passage of this act as may be convenient, such officers as they may deem proper, and to make and ordain such constitution, by-laws, ordinances, and regulations consonant to the objects of this charter as they may deem expedient and proper, and which shall not be repugnant to the constitution and laws of the United States; and to repeal, alter, and amend the same: *Provided, always*, That the President of the United States, for the time being, shall be *ex officio* president; and the governors, for the time being of the several States of the United States shall be respectively *ex officio* vice-presidents of the said society, corporation, and body politic, and that all meetings thereof shall be held, and all records and papers thereof kept at the said city of Washington.

Powers of corporation.

May sue and be sued.
Common seal.

Property.

Officers and by-laws.

Proviso. President of the United States to be *ex officio* president, and governors of States, vice-presidents.
Place of meetings, &c.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Act may be amended or repealed.

SEC. 7. *And be it further enacted*, That all laws, acts, or resolutions, or any part of any law, act, or resolution, inconsistent with this act, shall be, and the same are hereby, repealed.

Inconsistent provisions of law repealed.

SEC. 8. *And be it further enacted*, That this act shall be in force from and after the passing thereof.

To take effect from its passage.

SEC. 9. *And be it further enacted*, That nothing in this act shall be so construed as to authorize this said corporation to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

Cannot issue notes, &c. as currency.

SEC. 10. *And be it further enacted*, That each of the corporators in said corporation shall be held liable, in his individual capacity, for all the debts and liabilities of said corporation, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before any court of competent jurisdiction. *Provided, however*, That nothing herein contained shall be so construed as to render said corporators in said corporation individually liable for any debt or liability contracted in the name, or behalf of, the Washington National Monument Society at any time prior to the twentieth day of October, one thousand eight hundred and fifty-eight.

Corporators individually liable for debts contracted since October 20, 1858.

Proviso.

APPROVED, February 26, 1859.

CHAP. LXIV.—*An Act to amend an Act entitled "An Act authorizing Repayment for Land erroneously sold by the United States."*

Feb. 28, 1859.
1825, ch. 5.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress, "authorizing repayment for lands erroneously sold by the United States," approved January twelfth, eighteen hundred and twenty-five, be, and the same is hereby amended, so as to authorize the Secretary of the Interior, upon proof being made to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause whatever,

Act of 1825 ch. 5, (vol. iv. p. 80.) amended.

Where sale of land by U. S.