

1861, ch. 45.
Vol. xii. p. 292.

pay the county's proportion of the direct tax imposed on the District of Columbia by the act of congress approved August five, eighteen hundred and sixty-one, and the expense and cost of collecting the same, and that the aggregate of said direct tax imposed by the act aforesaid shall be distributed and apportioned between the cities of Washington and Georgetown, and that part of said county of Washington lying outside the limits of said cities, according to the assessed valuation of property made in the jurisdiction of each by the assessment last prior to the date of the passage of said act of August five, eighteen hundred and sixty-one.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCVIII. — *An Act to authorize the Corporation of Washington to levy and collect the Direct Tax imposed by Act approved August five, eighteen hundred and sixty-one.*

City of Washington may assess, &c., a tax to pay the direct tax.

1861, ch. 45.
Vol. xii. p. 292.
Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation of the city of Washington be, and they are hereby, authorized to assess and collect a tax not exceeding the rate of fifteen cents on every one hundred dollars of the value of all real and personal property in said city, and on any and all other subjects of taxation as made and returned by the board of assessors of said city, to enable the said corporation to pay to the government of the United States the tax imposed by act approved August five, eighteen hundred and sixty-one: *Provided,* That any surplus that may accrue from the imposition of the tax as herein provided shall be deposited and applied to the use of the general fund of the said city of Washington.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCV. — *An Act to expedite the Settlement of Titles to Lands in the State of California.*

When plats are made of private land claims in California, notice to be given, and surveys, &c., to be open to inspection.

1851, ch. 41.
Vol. ix. p. 633.

Copies to be sent to Washington.

Approval or disapproval of commissioner of general land-office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, have caused any private land claim to be surveyed and a plat to be made thereof, he shall give notice that the same has been done by a publication, once a week for four consecutive weeks, in two newspapers, one published in the city of San Francisco, and one published near the land surveyed; and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the commissioner of the general land-office at Washington, for his examination and approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the commissioner of the general land-office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon; and if the survey and plat are approved by the said commissioner he shall indorse thereon a certificate of his approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the

surveyor-general of California, touching the matters indicated by him, or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the commissioner of the general land-office, it shall be the duty of the said commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Patents when to issue.

SEC. 2. *And be it further enacted*, That the provisions of the preceding section shall apply to all surveys and plats by the surveyor-general of California heretofore made, which have not already been approved by one of the district courts of the United States for California, or by the commissioner of the general land-office: *Provided*, That where proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the said district courts, it shall be lawful for such district court to proceed and complete its examination and determination of the matter, and its decree thereon shall be subject to appeal to the circuit court of the United States for the district in like manner, and with like effect, as hereafter provided for appeals in other cases to the circuit court; and such appeals may be in like manner disposed of by said circuit court.

These provisions applicable to all surveys not approved.

Proviso.

SEC. 3. *And be it further enacted*, That where a plat and survey have already been approved or corrected by one of the district courts of the United States for California, and an appeal from the decree of approval or correction has already been taken to the supreme court of the United States, the said supreme court shall have jurisdiction to hear and determine the appeal. But where from such decree of approval or correction no appeal has been taken to the supreme court, no appeal to that court shall be allowed, but an appeal may be taken, within twelve months after this act shall take effect, to the circuit court of the United States for California, and said circuit court shall proceed to fully determine the matter. The said circuit court shall have power to affirm or reverse or modify the action of the district court, or order the case back to the surveyor-general for a new survey. When the case is ordered back for a new survey, the subsequent survey of the surveyor-general shall be under the supervision of the commissioner of the general land-office, and not of the district or circuit court of the United States.

Appeals from decree of approval of survey and plat to be heard in supreme court.

When appeal may be taken.

New surveys.

SEC. 4. *And be it further enacted*, That whenever the district judge of any one of the district courts of the United States for California is interested in any land, the claim to which, under the said act of March third, eighteen hundred and fifty-one, is pending before him, on appeal from the board of commissioners created by said act, the said district court shall order the case to be transferred to the circuit court of the United States for California, which court shall thereupon take jurisdiction and determine the same. The said district courts may also order a transfer to the said circuit court of any other cases arising under said act, pending before them, affecting the title to lands within the corporate limits of any city or town, and in such cases both the district and circuit judges may sit.

If judge of district court is interested, case to be transferred to circuit court.

Other cases may be transferred.

SEC. 5. *And be it further enacted*, That all the right and title of the United States to the lands within the corporate limits of the city of San Francisco, as defined in the act incorporating said city, passed by the legislature of the State of California, on the fifteenth of April, one thousand eight hundred and fifty-one, are hereby relinquished and granted to the said city and its successors, for the uses and purposes specified in the ordinances of said city, ratified by an act of the legislature of the said state, approved on the eleventh of March, eighteen hundred and fifty-eight, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there

Rights of the United States to lands in San Francisco relinquished.

Certain lands devoted to public uses excepted.

Relinquishment not to affect private rights.

Confirmed private land claims to be surveyed. Proviso.

Surveys to follow decree.

Separate locations.

Repeal of act of 1860, ch. 128, Vol. xii. p. 33.

being excepted from this relinquishment and grant all sites or other parcels of lands which have been, or now are, occupied by the United States for military, naval, or other public uses, or such other sites or parcels as may hereafter be designated by the President of the United States, within one year after the rendition to the general land-office, by the surveyor-general, of an approved plat of the exterior limits of San Francisco, as recognized in this section, in connection with the lines of the public surveys: *And provided*, That the relinquishment and grant by this act shall in no manner interfere with or prejudice any bona fide claims of others, whether asserted adversely under rights derived from Spain, Mexico, or the laws of the United States, nor preclude a judicial examination and adjustment thereof.

SEC. 6. *And be it further enacted*, That it shall be the duty of the surveyor-general of California to cause all the private land claims finally confirmed to be accurately surveyed and plats thereof to be made, whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit in the district court of the district within which the land is situated a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act. Whenever the survey and plat requested shall have been completed and forwarded to the commissioner of the general land-office, as required by this act, the district court may direct the application of the money deposited, or so much thereof as may be necessary, to the payment of the expenses of said survey and publication.

SEC. 7. *And be it further enacted*, That it shall be the duty of the surveyor-general of California, in making surveys of the private land claims finally confirmed, to follow the decree of confirmation as closely as practicable whenever such decree designates the specific boundaries of the claim. But when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in a compact form. And if the character of the land, or intervening grants, be such as to render the location impracticable in one tract, then each separate location shall be made, as near as practicable, in a compact form. And it shall be the duty of the commissioner of the general land-office to require a substantial compliance with the directions of this section before approving any survey and plat forwarded to him.

SEC. 8. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act to define and regulate the jurisdiction of the district courts of the United States in California, in regard to the survey and location of confirmed private land claims,'" approved June fourteen, eighteen hundred and sixty, and all provisions of law inconsistent with this act, are hereby repealed.

APPROVED, July 1, 1864.

July 1, 1864. CHAP. CXCIV. — *An Act for the Sale of a Lot of Land in Iowa, in the Fort Crawford Reservation.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for the commissioner of the general land-office to cause to be sold, after public notice, the tract described as lot numbered one, in township ninety-five north, of range three west of the fifth principal meridian, in the State of Iowa, situated in what is known as the Fort Crawford military reservation, subject to such minimum price per acre as the said commissioner may establish as fair and reasonable, not less than two dollars and fifty cents per acre; and in the event of said lot not being disposed of at public sale, the commissioner is hereby authorized to reoffer the same at public sale, or after the second offering to dispose of said lot at such minimum as

A lot of land in Iowa to be sold.