

#1
BY AUTHORITY OF CONGRESS.

THE

Statutes at Large and Treaties

OF THE

UNITED STATES OF AMERICA.

FROM

DECEMBER 1, 1845, TO MARCH 3, 1851,

Arranged in Chronological Order;

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE
SUBSEQUENT ACTS ON THE SAME SUBJECT.

EDITED BY

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VOL. IX.

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1862.

August 30, 1850. CHAP. XLVII.—*An Act in Relation to Donations of Land to certain Persons in the State of Arkansas.*

Claims to donations of land in Arkansas, allowed by the proper officer, which have yielded to other rights and not relocated, may be entered within one year, under certain restrictions.
1823, ch. 103.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims to donations of land in the State of Arkansas, which have been adjudicated and allowed by the register and receiver of the proper land district, in virtue of the provisions of the eighth section of the act of Congress, approved on the twenty-fourth of May, one thousand eight hundred and twenty-eight, entitled "An Act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," and of other subsequent acts of Congress on the same subject, and which have not been located and patent certificates issued therefor, or which, having been so located, were compelled to yield to other and prior rights, either in whole or in part, and not subsequently relocated within the period fixed by law, may be entered with the register of any one of the land offices in the State of Arkansas, at any time within one year from the passage of this act, in the same manner, and under the same restrictions and conditions, as existed prior to the twenty-fourth day of May, one thousand eight hundred and thirty-eight, the day last limited for the location of these claims: *Provided,* That no such claim shall be so located against which fraud has been or may be alleged until all objection thereto shall have been removed, to the satisfaction of the commissioner of the general land office.

APPROVED, August 30, 1850.

Sept. 9, 1850. CHAP. XLIX.—*An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment by the said State of all Territory claimed by her exterior to said Boundaries, and of all her Claims upon the United States, and to establish a territorial Government for New Mexico.*

Propositions offered to Texas, when accepted, to be binding upon her and the United States.
Proviso.

Boundary of Texas defined.

Cession of territory to the United States.

Texas relinquishes all claim upon the United States for liability

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State, in an act passed by the general assembly, shall be binding and obligatory upon the United States, and upon the said State of Texas: *Provided,* The said agreement by the said general assembly shall be given on or before the first day of December, eighteen hundred and fifty:

FIRST. The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico.

SECOND. The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

THIRD. The State of Texas relinquishes all claim upon the United States for liability of the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of

war, and public buildings of the United States at the FOURTH. The United States of boundaries, cession of claims, will pay to the States in a stock bearing five end of fourteen years, the of the United States.

FIFTH. Immediately after have been furnished with an assembly of Texas accept stock to be issued in favor fourth article of this agree five millions of said stock State holding bonds and of duties on imports were specified of the United States released or on account of said bonds prescribed by the Secretary of the United States, shall be construed to impair article of the second section Texas to the United States and forty-five, either as required after be formed out of the

SEC. 2. And be it further Territory of the United States point in the Colorado River of Mexico crosses the same line to the Rio Grande; thence river to the parallel of thence east with said degree and third degree of longitude said degree of longitude north latitude; thence west Sierra Madre; thence south thirty-seventh parallel of north to its intersection with the thence with said boundary the same is hereby, erected of the Territory of New Mexico contained shall be construed States from dividing said Territory such manner and at such time proper, or from attaching a or State: *And provided,* further said Territory, or any portion Union, with or without slavery the time of their admission.

SEC. 3. And be it further authority in and over said Territory a governor, who shall hold successor shall be appointed as President of the United States said Territory, shall be required shall perform the duties and of Indian affairs, and shall assembly before they shall offences against the laws of

Land to certain Persons in

Representatives of the said, That all claims to which have been adjudged of the proper land th section of the act of lay, one thousand eight aid the State of Ohio Lake Erie, and to grant construction of canals land to certain persons nt acts of Congress on cated and patent certifi- located, were compelled ole or in part, and not by law, may be entered i the State of Arkansas, of this act, in the same ditions, as existed prior ght hundred and thirty- ose claims: *Provided*, which fraud has been ll have been removed; neral land office.

was the Establishment of ment by the said State of ies, and of all her Claims ial Government for New

Representatives of the id, That the following offered to the State of , in an act passed by y upon the United ided, The said agree- ven on or before the y: her boundary on the meridian of one hun- ed by the parallel of nd shall run from said ed and three degrees ll run due south to the n the said parallel of Bravo del Norte, and f of Mexico. United States all her boundaries which she cement, claim upon the United : compensation or in- es of her ships, forts, arms and munitions of

war, and public buildings with their sites, which became the property of the United States at the time of the annexation.

FOURTH. The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the treasury of the United States.

FIFTH. Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the general assembly of Texas accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement: *Provided, also*, That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of stock of Texas for which duties on imports were specially pledged, shall first file at the treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates in such form as shall be prescribed by the Secretary of the Treasury and approved by the President of the United States: *Provided*, That nothing herein contained shall be construed to impair or qualify any thing contained in the third article of the second section of the "joint resolution for annexing Texas to the United States," approved March first, eighteen hundred and forty-five, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise.

SEC. 2. *And be it further enacted*, That all that portion of the Territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary line with the republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of the thirty-second degree of north latitude; thence east with said degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with said degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with said parallel to the summit of the Sierra Madre; thence south with the crest of said mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the State of California; thence with said boundary line to the place of beginning—be, and the same is hereby, erected into a temporary government, by the name of the Territory of New Mexico: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State: *And provided, further*, That, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.

SEC. 3. *And be it further enacted*, That the executive power and authority in and over said Territory of New Mexico shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offences against the laws of said Territory, and reprieves for offences

ity of her debts or indemnity. &c.

\$10,000,000 in stock bearing five per cent. interest to be paid to Texas therefor.

Stock to be issued when Texas shall have accepted these propositions, and President of United States notified thereof. *Proviso.*

Further proviso. vol. v. p. 797.

Boundary defined, and temporary government created by the name of the Territory of New Mexico.

Proviso.

Further proviso.

Executive power vested in a governor, &c.

His duties defined.

dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said Supreme and District Courts, respectively, shall possess chancery as well as common law jurisdiction. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said District Courts to the Supreme Court, under such regulations as may be prescribed by law, but in no case removed to the Supreme Court shall trial by jury be allowed in said court. The Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said Supreme Court without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said Supreme Court created by this act, or of any judge thereof, or of the District Courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said District Courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the Circuit and District Courts of the United States; and the said Supreme and District Courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the District Courts of Oregon Territory now receive for similar services.

Sec. 11. And be it further enacted, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as Circuit and District Courts of the United States: he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal of the District Court of the United States for the present Territory of Oregon, and shall, in addition, be paid two hundred [dollars] annually as a compensation for extra services.

Sec. 12. And be it further enacted, That the governor, secretary, chief justice and associate justices, attorney and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary, to be appointed as aforesaid, shall, before they act as such,

Clerk. Clerk.

Writs of error, &c. Writs of error and appeals shall be allowed, &c.

Exceptions. Exceptions.

Fees of clerk. Fees of clerk.

Attorney and marshal: their fees and duties. Attorney and marshal: their fees and duties.

The governor, secretary, chief justice, and associate justices, attorney and marshal, — how to be appointed. The governor, secretary, chief justice, and associate justices, attorney and marshal, — how to be appointed.

respectively take an oath (some justice of the peace) ized to administer oaths therein, or before the chief Supreme Court of the United States, and faithful offices; which said oaths, v son by whom the same sh shall be received and recor tive proceedings; and the all other civil officers in s take a like oath or affirmat or some judge or justice duly commissioned and q be certified and transmitt secretary, to be by him rec oath or affirmation shall manner and form as may receive an annual salary one thousand dollars as a justice and associate just eighteen hundred dollars salary of eighteen hundre quarter-yearly, at the tres of the legislative assembl each per day during their dollars each for every tv from the said sessions, travelled route. There s thousand dollars, to be e tingent expenses of the annually a sufficient sum ritory, and upon an estim ury of the United State assembly, the printing o and the secretary of th Secretary of the Treasu which the aforesaid sum

Sec. 13. And be it bly of the Territory of such time and place in appoint and direct; and they shall deem exped shall proceed to locate Territory at such place a ever, shall thereafter be and legislative assembly.

Sec. 14. And be it j of Representatives of the of the United States, m members of the legisl same rights and privileg gates from the several of House of Representative and places, and be com appoint and direct; and and manner of holding person having the grea governor to be duly elc

shall exceed one hundred Courts, respectively, shall jurisdiction. Each District clerk, who shall also be office at the place where of exception, and appeals, decisions of said District regulations as may be pre- Supreme Court shall trial Supreme Court, or the justices very clerk shall hold his h he shall have been up- the final decisions of said be taken to the Supreme inner and under the same e United States, where the roversy, to be ascertained other competent witness, only that in all cases in- rror or appeals shall be ourt without regard to the troversy; and except also allowed to the Supreme of the said Supreme Court or of the District Courts upon any writ of habeas freedom; and each of the be same jurisdiction in all of the United States as is the United States; and said Territory, and the it writs of habeas corpus y the judges of the United rat six days of every term e necessary, shall be ap- the said Constitution and ch cases shall be made to e as in other cases. The me fees which the clerks now receive for similar

t there shall be appointed ntinue in office for four it, and who shall receive he United States for the lso be a marshal for the e for four years, unless hall execute all processes hall their jurisdiction as Cir- es: he shall perform the penalties, and be entitled ict Court of the United shall, in addition, be paid ation for extra services. : the governor, secretary, and marshal, shall be consent of the Senate, tes. The governor and before they act as such,

respectively take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor, to defray the contingent expenses of the Territory; there shall also be appropriated annually a sufficient sum to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 13. *And be it further enacted,* That the legislative assembly of the Territory of New Mexico shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly.

SEC. 14. *And be it further enacted,* That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given

Salary of governor.
Salaries of chief justice and associate justices.
Secretary's salary.
Compensation of members of the legislative assembly.

Contingent expenses provided for.

Legislative assembly to hold its first sessions as directed by the governor.

Seat of government.

A delegate to be elected to Congress of the U. S.

- Proviso. accordingly: *Provided*, That such delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.
- Lands to be surveyed: how to be disposed of. SEC. 15. *And be it further enacted*, That when the lands in said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.
- Reservation for schools. SEC. 16. *And be it further enacted*, That temporarily and until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.
- Judicial districts: how defined. SEC. 17. *And be it further enacted*, That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of New Mexico as elsewhere within the United States.
- The Constitution and applicable laws of the U. S. extended over New Mexico. SEC. 18. *And be it further enacted*, That the provisions of this act be, and they are hereby, suspended until the boundary between the United States and the State of Texas shall be adjusted; and when such adjustment shall have been effected, the President of the United States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.
- Proclamations. See Appendix, p. 1005.
- Citizens' rights protected. SEC. 19. *And be it further enacted*, That no citizen of the United States shall be deprived of his life, liberty, or property, in said Territory, except by the judgment of his peers and the laws of the land.

APPROVED, September 9, 1850.

Sept. 9, 1850. CHAP. LI. — *An Act for the Admission of the State of California into the Union.*

Preamble. Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

California declared to be one of the United States. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Entitled to two representatives until an enumeration is made. SEC. 2. *And be it further enacted*, That, until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress.

Admitted into the Union upon certain express conditions. SEC. 3. *And be it further enacted*, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned;

and that they shall never lay a tax whatsoever upon the public domain in any case shall non-resident proprietors of lands within the said State be taxed higher than the tax levied upon the lands of the United States, without any tax. That nothing herein contained shall be construed to reject the propositions to articles of compact in the original form of the constitution of the Territory, September 9, 1850.

CHAP. LI. — *An Act to est*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory of the United States bounded on the west by the Territory of Oregon and on the north by the Rocky Mountains, and on the north latitude, be, and the same are hereby, reserved for the government, by the name of the Territory of California, to be received into the Union, and may prescribe at the time of its admission into the Union, in this act contained shall be in full force and effect in the United States from divi- ritories, in such manner as convenient and proper, or to any other State or Territory.

SEC. 2. *And be it further enacted*, That the authority in and over said Territory, who shall hold his office shall be appointed and qualified by the President of the United States, shall be competent to perform the duties and receive the fees in Indian affairs, and shall be assembled before they shall be appointed to office against the laws of the United States, and the President can be made known shall be appointed to office shall take care that the laws of the Territory shall be enforced.

SEC. 3. *And be it further enacted*, That the governor of said Territory, who shall hold his office for two years, unless sooner removed, shall record and preserve the laws and regulations of the governor in one copy of the laws and regulations before the first day of December next following the admission of the Territory into the United States, and, at the request of the Speaker of the House of Representatives, shall transmit to the Senate, for the use of the Territory, the secret