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1850, September 28 - 09 Stat. 520 - Bounty Land

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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

GEORGE MINOT, ESQ.,

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. IX.

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CHARLES C. LITTLE AND JAMES BROWN.

1851.

Provisions of this act extended to other States possessing such lands.

SEC. 4. *And be it further enacted*, That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as designated as aforesaid, may be situated.

APPROVED, September 28, 1850.

Sept. 28, 1850. CHAP. LXXXV. — *An Act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.*

Certain classes of persons in the military service of the U. States during the war of 1812, the war with Mexico, or Indian wars, or their widows or minor children entitled to lands, in proportion to certain periods of service.

Proviso.

Further proviso.

The period during which any officer or soldier was a prisoner to the enemy to be added to his time of actual service.

Those entitled to land under this act to receive a certificate from the Department of the Interior for land which may be located at any land office of the United States.

The widow of any officer, etc., killed in battle, to receive the benefit of this

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared by the United States on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and each of the commissioned officers who was engaged in the military service of the United States in the late war with Mexico, shall be entitled to lands, as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres: *Provided*, That wherever any officer or soldier was honorably discharged in consequence of disability in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve: *Provided*, The person so having been in service shall not receive said land, or any part thereof, if it shall appear, by the muster rolls of his regiment or corps, that he deserted, or was dishonorably discharged from service, or if he has received, or is entitled to, any military land bounty under any act of Congress heretofore passed.

SEC. 2. *And be it further enacted*, That the period during which any officer or soldier may have remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so detained in captivity shall receive land under the provisions of this act in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such time.

SEC. 3. *And be it further enacted*, That each commissioned and non-commissioned officer, musician, or private, for whom provision is made by the first section hereof, shall receive a certificate or warrant from the Department of the Interior for the quantity of land to which he may be entitled, and which may be located by the warrantee or his heirs at law, at any land office of the United States, in one body and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made to the general land office, a patent shall be issued therefor. In the event of the death of any commissioned or non-commissioned officer, musician, or private, prior or subsequent to the passage of this act, who shall have served as aforesaid, and who shall not have received bounty land for said services, a like certificate or warrant shall be issued in favor, and enure to the

benefit of his widow, who shall receive one hundred and sixty acres of land in case her husband was killed in battle, but not to her heirs, *Provided*, She is unmarried at the date of her application. *Provided further*, That no land warrant issued under the provisions of this act shall be laid upon any land of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation, except with the consent of such settler, to be satisfactorily proven to the proper land officer.

Proviso.
Further proviso.

SEC. 4. *And be it further enacted*, That all sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, or to be granted, under the provisions of this act, made or executed prior to the issue, shall be null and void to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in any wise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier, prior to the issuing of the patent: *Provided*, That the benefits of this act shall not accrue to any person who is a member of the present Congress. *Provided further*, That it shall be the duty of the commissioner of the general land office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the general land office for that purpose in such State and land district as the said holder or warrantee may designate, and upon good farming land, so far as the same can be ascertained from the maps, plats, and field notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made as aforesaid, the Secretary shall cause a patent to be transmitted to such warrantee: *And provided further*, That no patent issued under this act shall be delivered upon any power of attorney or agreement dated before the passage of this act, and that all such powers of attorney or agreements be considered and treated as null and void.

All sales, mortgages, and letters of attorney, affecting any title to land warrants, if made before the issue of said warrants, to be void.
Proviso.

Further proviso.

Further proviso.

APPROVED, September 28, 1850.

CHAP. LXXXVI. — *An Act to provide for extending the Laws and the Judicial System of the United States to the State of California.* Sept. 28, 1850.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere within the United States.

Laws of the U. States not locally inapplicable extended over California.

SEC. 2. *And be it further enacted*, That the said State shall compose two districts, to be called the northern and southern districts of California, divided by the thirty-seventh parallel of north latitude. And for the purpose of trying all issues of fact triable by a jury in said districts, a District Court shall be held in said districts, to consist of one judge, who shall reside within the district to which he is appointed, and be called a district judge, and shall in all things have and exercise the same jurisdiction and powers which were by law given to the judge of the southern district of New York; the said judge shall appoint a clerk at the place at which a court is holden within the district, who shall reside and keep the records of the court at the place of holding the same; and shall receive for the services they may perform, for the first four years after the passage of this act, double the amount allowed to the clerk of the southern district of New York; and thereafter shall

Divided into the northern and southern districts.
Court officers: their jurisdiction.