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1850, September 28 - 09 Stat. 521, Act Extending US Laws and Judicial System to California

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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.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1851.

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 pro
viso.

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, mort-
gages, and let-
ters of attorney,
affecting any
title to land war-
rants, if made
before the issue
of said warrants,
to be void.
Proviso.

Further pro
viso.

Further pro
viso.

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 local-
ly 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 jurisdic-
tion.

- Fees of officers.** receive only the fees allowed to the clerk of the said southern district of New York, and may appoint a deputy.
- Extra sessions.** SEC. 3. *And be it further enacted,* That the judges of the districts of California shall hold extra sessions at any time when the public interest may in their opinion require the same.
- Places and times of holding courts in northern district.** SEC. 4. *And be it further enacted,* That the judge of the northern district of California shall hold two regular sessions annually at San Francisco, and one regular session annually at San Jose, Sacramento, and Stockton, at the times following, to wit: at San Francisco, on the first Mondays of December and June; at San Jose, on the first Monday in April; at Sacramento, on the first Monday in September; and at Stockton, on the second Monday in October.
- Southern district.** SEC. 5. *And be it further enacted,* That the judge of the southern district of California shall hold one regular session annually at the following places, to wit: at Monterey, on the first Monday in June; and at Los Angeles, on the first Monday in December.
- Should a judge fail to attend before the close of the fourth day of any term, the business pending to stand adjourned to next regular term.** SEC. 6. *And be it further enacted,* And should the judges of either of the said District Courts fail to attend at the time and place of holding any one of the regular terms of the court, for either of said districts, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next regular term thereof: *Provided,* That whenever the judge of either of said courts, from any cause, shall fail to hold a regular term of said court, it shall be his duty, if, in his opinion, the business in said court shall require, to hold an intermediate term of said court at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court at least thirty days previous to the commencement of said term, and to be published in the several newspapers published in the bounds of said district the same length of time; and at any and all such intermediate terms, the business of any such courts, of every nature and description whatsoever, shall have reference to, and be proceeded with, in the same manner as if the same were a regular term of said court.
- Compensation to judges.** SEC. 7. *And be it further enacted,* That there shall be allowed to the judge of the northern district aforesaid an annual compensation of three thousand five hundred dollars, and to the judge of the southern district aforesaid an annual compensation of twenty-eight hundred dollars, to commence from the date of their appointments respectively.
- District attorneys of the U. S.** SEC. 8. *And be it further enacted,* That there shall be appointed, in each of said districts, a person learned in the law, to act as attorney for the United States, who shall, in addition to his fees of office, which, for the first four years after the passage of this act, shall be double those of the southern district of New York; and thereafter he shall be entitled to receive the same fees as the attorney of the said southern district of New York, and a salary of five hundred dollars annually as a full compensation for all extra services.
- Compensation.** SEC. 9. *And be it further enacted,* That a marshal shall be appointed in each of said districts, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to receive, for the first four years after the passage of this act, double the amount of fees which are prescribed to marshals in the southern district of New York, and thereafter he shall be entitled to receive the fees of the marshal of the said southern district of New York, and shall moreover be entitled to the sum of five hundred dollars annually, as a compensation for all extra services; and the said marshal shall have the right to appoint as many deputies as the duties of his office shall require.
- Marshals.**
- Deputies.**
- Compensation.**
- Deputies.**
- District courts invested with** SEC. 10. *And be it further enacted,* That, in addition to the ordinary jurisdiction and powers of a District Court of the United States,

with which the southern District Court of New York has been invested, the said courts be, and hereby are, invested respectively, within the limits of its district, with the exercise of concurrent jurisdiction and powers in all civil cases now exercised by the Circuit Courts of the United States; and that, in all cases where said Courts shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said courts, to the Supreme Court of the United States, in the same manner, and upon the same conditions, as appeals may be taken from the Circuit Courts.

concurrent jurisdiction in all civil cases exercised by U. S. Circuit Courts.

SEC. 11. *And be it further enacted,* That all civil causes now pending in any of the courts of California, the jurisdiction of which may properly belong to the courts of the United States herein established, shall be removed to the said United States courts, either by writ of certiorari, or by a transfer of the original papers, with an exemplification from the record or docket entry, under the seal of the court from which they shall be removed, for which exemplification the clerk of said court shall receive the same fees as may be allowed by law for similar services, to be paid by the party applying for such transfer; and in case of a final determination of the cause in favor of the party paying for such record, he shall be entitled to tax the expense thereof, as other costs are taxable, against the party failing in said suit; and all cases, &c., removed, shall take rank on the dockets and lists of cases of said United States courts according to priority of date, and be proceeded in as cases originally brought in said courts.

Certain cases now pending in any of the courts of California to be removed to the U. S. courts.

APPROVED, September 28, 1850.

CHAP. XC. — *An Act making Appropriations for the Civil and Diplomatic Expenses of Government for the Year ending the thirtieth of June, eighteen hundred and fifty-one, and for other Purposes.*

Sept. 30, 1850.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and hereby are, appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-one, namely: —

Appropriation for 1851.

Legislative. — For compensation and mileage of senators, members of the House of Representatives, and delegates, four hundred and sixteen thousand three hundred and thirty-eight dollars. And it is hereby declared that, according to the true interpretation of the third section of the act entitled "An Act allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to the delegates of the Territories, and repealing all other laws on that subject," approved twenty-second January, eighteen hundred and eighteen, all certificates which have been or may be granted by the presiding officers of the Senate and House of Representatives respectively, of the amount of compensation due to the members of their several houses, and to such delegates, are, and ought to be, deemed, held, and taken, and are hereby declared to be, conclusive upon all the departments and officers of the government of the United States.

Congress, compensation and mileage. 1818, ch. 5.

Certificate to be conclusive.

For compensation of the officers and clerks of both Houses of Congress, forty-one thousand nine hundred and thirteen dollars and twenty-six cents.

Officers.

For stationery, fuel, printing, and other contingent expenses of the Senate, including publishing proceedings and debates, one hundred thousand dollars.

Contingencies. Senate.

For stationery, fuel, printing, and all other contingent expenses of

Contingencies.