

thousand dollars, to the said Samuel F. B. Morse, and the persons employed under him, such sums of money as he may deem to be a fair compensation for the services of the said Samuel F. B. Morse, and the persons employed under him, in constructing and in superintending the construction of the said line of telegraphs authorized by this act.

APPROVED, March 3, 1843.

CHAP. LXXXV.—*An Act for the protection of commerce on Lake Michigan.*

STATUTE III.
March 3, 1843.

[Obsolete.]
Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the protection of commerce on Lake Michigan.

For the half calendar year from the first of January to thirtieth June, eighteen hundred and forty-three; and for the fiscal year from the first day of July, eighteen hundred and forty-three, to the thirtieth June eighteen hundred and forty-four, viz :

Milwaukie harbor.

Light-house at Southport.

Chicago harbor.

St. Joseph harbor.

Location of Milwaukie harbor.

STATUTE III.

March 3, 1843.

An agent to be appointed to investigate cases of alleged fraud in Columbus land district.

Mode of investigation.

For the construction of a harbor at the most suitable situation at or near Milwaukie in the Territory of Wisconsin, to be made under the survey of an officer to be appointed by the Secretary of War, for the said half calendar year, fifteen thousand dollars; and for the said fiscal year, fifteen thousand dollars.

It shall be the duty of the corps of topographical engineers to survey and select the most suitable site for a light-house at or near Southport on Lake Michigan, in said Territory.

For continuing the public works at the harbor of Chicago, in the State of Illinois, for the said half calendar year, ten thousand dollars; and for the said fiscal year, fifteen thousand dollars.

For continuing the public works at the harbor of St. Joseph in the State of Michigan; for the said half calendar year, ten thousand dollars; and for the said fiscal year, fifteen thousand dollars.

SEC. 2. *And be it further enacted,* That before the money hereby appropriated for the construction of a harbor at or near said Milwaukie, shall be expended, the corps of topographical engineers shall select from actual examination and survey the point of location of said harbors.

APPROVED, March 3, 1843.

CHAP. LXXXVI.—*An Act to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he hereby is, authorized to appoint a competent agent, whose duty it shall be, under direction of said Commissioner, to investigate, upon oath, the cases of fraud under the pre-emption laws, alleged to exist in the Columbus land district, in the State of Mississippi, referred to in the late annual report of said Commissioner, communicated to Congress by letter of the Secretary of the Treasury, dated December the fifteenth, one thousand eight hundred and forty-two; and that such agent shall examine all witnesses who may be brought before him by the individual or individuals alleging the fraud, as well as those witnesses who may be produced by the parties in interest, to sustain said claims; and that he be, and is hereby, invested with power to administer to such witnesses an oath to speak the truth in regard to any question which may be deemed necessary to the full

(a) See notes of the acts which have been passed relating to pre-emption rights; act of May 29, 1830, ch. 208.

examination of the cases so alleged to be fraudulent; and such testimony shall be reduced to writing, and subscribed by each witness, and the same returned to the Commissioner, with the opinion of said agent on each claim; and any witness, so examined before the said agent, who shall swear wilfully and falsely in regard to any matter or thing touching such examination, shall be subject, on conviction, to all the pains and penalties of perjury; and it shall be the duty of the Commissioner, to decide the cases thus returned, and finally to settle the matter in controversy, subject alone to an appeal to the Secretary of the Treasury: *Provided*, That the power conferred by this section upon such agent is hereby limited to the term of one year from and after the date of this act; and the compensation to be paid to said agent shall not exceed three dollars per day for each day he may be necessarily engaged in the performance of the duties required by this section.

Proviso.

In case of death of party entitled to pre-emption before consummating claim.

SEC. 2. *And be it further enacted*, That in any case, where a party entitled to claim the benefits of any of the pre-emption laws shall have died before consummating his claim, by filing, in due time, all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same: *Provided*, That the entry in such cases shall be made in favor of "the heirs" of the deceased pre-emptor, and a patent thereon shall cause the title to inure to said heirs, as if their names had been specially mentioned.

Settlers on certain lands, unsurveyed at time of settlement, may enter other lands.

SEC. 3. *And be it further enacted*, That every settler on section sixteen, reserved for the use of schools, or on other reserves or land covered by private claims of others, which was not surveyed at the time of such settlement, and who shall otherwise come within the provisions of the several pre-emption laws in force at the time of the settlement, upon proof thereof before the register of the proper land office, shall be entitled to enter, at the minimum price, any other quarter section, or fractional section, or fractional quarter section, in the land district in which such school section or reserve or private claim may lie, so as not to exceed one hundred and sixty acres, not reserved from sale, or in the occupancy of any actual bona fide settler: *Provided*, Such settlement was made before the date of the act of fourth September, eighteen hundred and forty-one, and after the extinguishment of the Indian title.

Proviso.

1841, ch. 16.

An individual filing a declaration for one tract, cannot file a second for another.

SEC. 4. *And be it further enacted*, That where an individual has filed, under the late pre-emption law, his declaration of intention to claim the benefits of said law for one tract of land, it shall not be lawful for the same individual at any future time, to file a second declaration for another tract.

Claimants under late pre-emption law, &c. to make known their claims.

SEC. 5. *And be it further enacted*, That claimants under the late pre-emption law, for land not yet proclaimed for sale, are required to make known their claims, in writing, to the register of the proper land office, within three months from the date of this act when the settlement has been already made, and within three months from the time of the settlement when such settlement shall hereafter be made, giving the designation of the tract, and the time of settlement; otherwise his claim to be forfeited, and the tract awarded to the next settler, in the order of time, on the same tract of land, who shall have given such notice, and otherwise complied with the conditions of the law.

Claimants not to suffer for non-compliance with pre-emption laws caused by vacancy of office of register or receiver.

SEC. 6. *And be it further enacted*, That whenever the vacancy of the office either of register or receiver, or of both, shall render it impossible for the claimant to comply with any requisition of any of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim: *Provided*, That such requisition is complied with within the same period after the disability is removed as would have been allowed him had such disability not existed.

Proviso.

SEC. 7. *And be it further enacted*, That where a settler on the public lands may reside on a quarter section, a fractional quarter section, or a fraction of a section less than one hundred and sixty acres, and cultivated land on any other and different tract of either of the descriptions aforesaid, he or she shall be entitled, under the act of June twenty-two, one thousand eight hundred and thirty-eight, to the same privileges of a choice between two legal subdivisions of each, so as to include his or her house and farm, not to exceed one hundred and sixty acres in all, as is granted, by the first section of that act, to settlers residing on a quarter section, and cultivating on another and different quarter.

Settlers residing on one quarter section, and cultivating another, entitled to a choice. 1838, ch. 119.

SEC. 8. *And be it further enacted*, That where two or more persons are residing on any of the species of tracts specified in section seven of this act, as required by the acts of the twenty-second of June, one thousand eight hundred and thirty-eight, and first of June, one thousand eight hundred and forty, and any one or more of said settlers may have cultivated land during the period of residence required by either of said acts, on another and different tract, or other and different tracts, the latter mentioned settlers shall be entitled to the option of entering the tract lived on, jointly with the other or others, or of abandoning the tract lived on to those who have not cultivated land as above required, and entering the tract or tracts cultivated, so as not to exceed one hundred and sixty acres to any one settler, who, by virtue of this section, is entitled to a separate entry; or such joint settlers may jointly enter the tract so jointly occupied by them, and in addition enter other contiguous unoccupied lands, by legal subdivisions, so as not to exceed one hundred and sixty acres in all to each of such joint settlers: *Provided*, That the extended privileges granted to pre-emptors by this act, shall not be construed to deprive any other actual settler of his or her previous and paramount right of pre-emption, or to extend to lands reserved for any purpose whatever.

In case of two or more persons residing on one quarter section, and one or more of them cultivating other tracts.

Proviso.

SEC. 9. *And be it further enacted*, That all persons coming within the tenth section of the act of the fourth of September, eighteen hundred and forty-one, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be entitled to the right of pre-emption under its provisions, notwithstanding such persons claiming the pre-emption shall have settled upon and improved the lands claimed before the same were surveyed: *Provided*, Such settlements were made before the date of the aforesaid act, and after the extinguishment of the Indian title. And said act shall not be so construed as to preclude any person who may have filed a notice of intention to claim any tract of land by pre-emption under said act, from the right allowed by law to others to purchase the same by private entry after the expiration of the right of pre-emption.

Persons coming within sec. 10, act 4th September, 1841, ch. 16, entitled to pre-emption.

Proviso.

APPROVED, March 3, 1843.

STATUTE III.
March 3, 1843.

CHAP. LXXXVII. — *An Act to provide, in certain cases, for the sale of the real estate of infants within the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the guardian of any infant shall think that the interest of his or her ward will be promoted by the sale of his or her real estate, or any part thereof, it shall be lawful for such guardian to exhibit his bill for that purpose, in the circuit court of the District of Columbia, for that county in which the real estate proposed to be sold, or part thereof, shall lie. In the bill so exhibited, the guardian shall set forth, plainly and distinctly, all the estate, real and personal, to which such infant is entitled, and all the facts which, in his opinion, are calculated to show whether the interest of his ward will be promoted by such sale or not. The bill shall be

When a guardian thinks it to the ward's interest to sell, he may exhibit a bill for that purpose. What to set forth.