

Those now held to be discharged on filing a common appearance.

sum or sums of money due or claimed to be due by reason of any contract or agreement; and any person now held to bail or imprisoned, for want of bail, in any such action, suit, or proceeding, shall, on application to the Circuit Court of said District in term time, or to any judge thereof in vacation, be discharged on filing a common appearance.

APPROVED, February 3, 1853.

Feb. 3, 1853.

CHAP. XLI.—*An Act to continue Half-Pay to certain Widows and Orphans.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all widows and orphans

Half-pay granted by acts of 1848, ch. 108, or 1836, ch. 362, or 1849, ch. 62, continued for five years.

who were granted and allowed five years half-pay by the provisions of the act approved the twenty-first day of July, one thousand eight hundred and forty-eight, entitled "An act amending the act granting half-pay to widows or orphans where their husbands or fathers have died of wounds received in the military service of the United States, in case of deceased officers and soldiers of the militia and volunteers, passed July fourth, one thousand eight hundred and thirty-six," or an act approved the twenty-second day of February, one thousand eight hundred and forty-nine, entitled "An act granting five years half-pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regulars and volunteers," be and they are hereby granted a continuance of said half-pay, under like limitations and restrictions, for a further period of five years, to commence at the expiration of the half-pay provided for by the aforesaid acts: *Provided, however,* That in case of the death or marriage of such widow before the expiration of said term of five years, the half-pay for the remainder of the term shall go to the child or children of the deceased officer or soldier, whilst under the age of sixteen years; and in like manner, the child or children of such deceased, when there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *And provided further,* That no greater sum shall be allowed in any case to the widow or the child or children of any officer than the half-pay of a Lieutenant-Colonel: *And provided further,* That the act approved the twenty-second of February, eighteen hundred and forty-nine, "granting five years half-pay to certain widows and orphans of officers, non-commissioned officers, musicians, and privates, both regular and volunteer," be so extended and construed as to embrace the widows and minor heirs of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of eighteen hundred and twelve, and of the various Indian wars since seventeen hundred and ninety.

Provisos.

Act of 1849, ch. 62, extended to other widows and heirs.

Pensions of widows of revolutionary soldiers.

SEC. 2. *And be it further enacted,* That the widows of all officers, non-commissioned officers, musicians, and privates of the Revolutionary army, who were married subsequent to January, anno Domini eighteen hundred, shall be entitled to a pension in the same manner as those who were married before that date.

APPROVED, February 3, 1853.

Feb. 3, 1853.

CHAP. LVIII.—*An Act for the Relief of Brevet Brigadier-General Bennett Riley, and to enable him to settle his Accounts with the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the act

Provisions of Act 1849, ch. 126, to be applied to accounts of General Riley.

approved the third of March, eighteen hundred and forty-nine, entitled "An act to provide for the settlement of the accounts of public officers, and others who may have received moneys arising from military contributions or otherwise in Mexico," be and they are hereby applied to Brevet Brigadier-General Bennett Riley, in reference to all moneys raised and collected by him, for contributions, penalties, internal assess-

ments, duties, or other objects in California, from the commencement of the late war with Mexico, to the twelfth day of November, eighteen hundred and forty-nine, and the said Riley shall account for, settle, and pay into the Treasury of the United States, for general purposes, any balance of moneys shown to be in his hands, upon such settlement; and all papers, vouchers, and other documents connected with the levying and collecting of any money as aforesaid, shall be filed with the accounts rendered for settlement by the said Riley.

Said Riley to pay into the Treasury any balance in his hands.

SEC. 2. *And be it further enacted*, That in settling the accounts of said Riley as aforesaid, the accounting officers of the Treasury be, and they are hereby authorized and required to credit him with any sum or sums of money paid or advanced by him for defraying the expenses of the Convention of California, called to frame a State Constitution, and also the sum or sums of money advanced by him, for the relief of destitute overland emigrants to California, and such credits shall be allowed only on the production of proper vouchers, in such form as may be approved by the Secretary of the Treasury of the United States; and the said officers of the Treasury shall in said settlement further credit the said Riley, with all sums of moneys expended by him for the support of the actual government of California after the ratification of the treaty of peace with Mexico and before the formation of the State Government, and which expenses may appear to have been proper and necessary, but not authorized by any law of the United States; *Provided*, That before crediting him the said last mentioned expenditures, they shall be approved by the President of the United States.

Said Riley to be allowed his expenses respecting the constitutional convention in California and in relief of over-land emigrants and supporting the government.

Proviso.

SEC. 3. *And be it further enacted*, That as a compensation for collecting, safe-keeping, and disbursing the said moneys, the said Riley shall be allowed and credited on such settlement, one and a half per cent. upon the moneys so raised and collected by him, and he shall be allowed no other or further compensation therefor.

Compensation of said Riley.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby directed to cause proper defence to be made, at the expense of the United States to any suit or suits, now pending, or that hereafter may be instituted against the said Riley, for any moneys raised and collected by him in California, and to which this act is applicable.

Suits against said Riley respecting money collected by him in California to be defended by the United States.

APPROVED, February 5, 1853.

CHAP. LIX.—*An Act Granting the Right of Way and Making a Grant of Land to the States of Arkansas and Missouri, to Aid in the Construction of a Railroad from a point on the Mississippi, opposite the mouth of the Ohio River, via Little Rock, to the Texas Boundary near Fulton, in Arkansas, with Branches to Fort Smith and the Mississippi River.*

Feb. 9, 1853.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way through the public lands be and the same is hereby granted to the States of Arkansas and Missouri, for the construction of a railroad from a point on the Mississippi River, opposite the mouth of the Ohio, in the State of Missouri, *via* Little Rock, to the Texas boundary line near Fulton, in Arkansas, with branches from Little Rock, in Arkansas, to the Mississippi River and to Fort Smith, in said State, with the right to take necessary materials of earth, stone, timber, etc., for the construction thereof: *Provided*, That the right of way shall not exceed one hundred feet on each side of the length thereof, and a copy of the survey of said road, made under the direction of the Legislatures of the said States, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington city, within ninety days after the completion of the same.

Grant of right of way to Arkansas and Missouri for a railroad.

Extent of right. Copy of survey to be filed.