

Suit may be brought against the United States to test the title of certain lots in Hospital Square, San Francisco.

How to be commenced.

United States to have all legal and equitable defences.

District attorney to defend such suit.

Either party may appeal.

Suit to be instituted within two years.

Proceedings if final judgment is against the United States.

day, and James Blair, and their heirs, assigns, and legal representatives be, and they are hereby, authorized to institute a suit against the United States, in the circuit court of the United States for the State of California, for the purpose of recovering from the United States, two lots of ground, numbers five and six, in the square in the city of San Francisco on which a hospital has been erected by the United States; which lots are claimed to have been acquired by the said Ames, Holladay, and Blair, by deeds executed in their favor by the sheriff of the county of San Francisco on the twenty-third day of October, eighteen hundred and fifty-one. The said suit to be commenced by citation served on the district attorney of the United States for the northern district of California: *Provided*, That the United States shall have the right in any suit so brought to defend their claim to the title and possession of said property, or any part thereof, on any legal or equitable grounds.

SEC. 2. *And be it further enacted*, That it shall be the duty of the said district attorney, under the direction and advice of the Attorney General of the United States, to defend any suit brought under the authority of the first section of this act, and to take all necessary measures at law or in equity for the protection and defence of the title to said lots.

SEC. 3. *And be it further enacted*, That either party may appeal or prosecute a writ of error to the Supreme Court of the United States from any final decision rendered by said circuit court in any suit instituted as aforesaid.

SEC. 4. *And be it further enacted*, That no suit shall be brought by virtue of the provisions of this act, unless the same be instituted within two years from the passage thereof.

SEC. 5. *And be it further enacted*, That in the event of a final judgment against the United States in any suit instituted as aforesaid, it shall be the duty of the proper officers of the United States, who may be in charge and possession of said lots in behalf of the government, to deliver up to the claimants said lots, or such parts thereof as may, by said final judgment, be decreed to belong to them; and the said circuit court is hereby authorized to issue the process necessary and proper for carrying out the provisions of this act.

APPROVED, January 26, 1861.

January 29, 1861.

CHAP. XX. — *An Act for the Admission of Kansas into the Union.*

Preamble.

Whereas the people of the Territory of Kansas, by their representatives in Convention assembled, at Wyandott, in said Territory, on the twenty-ninth day of July, one thousand eight hundred and fifty-nine, did for themselves a constitution and State government, republican in form, which was ratified and adopted by the people at an election held for that purpose on Tuesday, the fourth day of October, one thousand eight hundred and fifty-nine, and the said Convention has, in their name and behalf, asked the Congress of the United States to admit the said Territory into the Union as a State, on an equal footing with the other States: Therefore

Kansas admitted as a State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Kansas shall be, 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. And the said State shall consist of all the territory included within the following boundaries, to wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of latitude; thence

Boundaries.

east on said parallel to the western boundary of the State of Missouri ; thence south with the western boundary of said State to the place of beginning : *Provided*, That nothing contained in the said constitution respecting the boundary of said State shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with such Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory ; but all such territory shall be excepted out of the boundaries, and constitute no part of the State of Kansas, until said tribe shall signify their assent to the President of the United States to be included within said State, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed.

Proviso.

Indian rights to be preserved.

SEC. 2. *And be it further enacted*, That until the next general apportionment of Representatives the State of Kansas shall be entitled to one Representative in the House of Representatives of the United States.

One representative in Congress.

SEC. 3. *And be it further enacted*, That nothing in this act shall be construed as an assent by Congress to all or to any of the propositions or claims contained in the ordinance of said constitution of the people of Kansas, or in the resolutions thereto attached ; but the following propositions are hereby offered to the said people of Kansas for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit : First, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said State for the use of schools. Second, That seventy-two sections of land shall be set apart and reserved for the use and support of a State University, to be selected by the Governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the Legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third, That ten entire sections of land, to be selected by the Governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the Legislature thereof. Fourth, That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the Governor thereof within one year after the admission of said State, and when so selected to be used or disposed of on such terms, conditions, and regulations as the Legislature shall direct : *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. Fifth, That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes, as the Legislature shall direct : *Provided*, That the foregoing propositions hereinbefore offered are on the condition that the people of Kansas shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof. Sixth, And that the said State shall never tax the

Congress does not assent, &c.

Propositions to be submitted to popular vote.

School lands.

State University lands.

Lands for public buildings.

Salt springs and contiguous lands.

Proviso.

Percentage on land sales.

Proviso. Conditions on which propositions are offered.

State not to tax property of the U. S. in said State.

lands or the property of the United States in said State: *Provided, however,* That in case any of the lands herein granted to the State of Kansas have heretofore been confirmed to the Territory of Kansas for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.

Proviso as to lands heretofore confirmed to the Territory of Kansas.

Laws of the United States extended to Kansas.

State made a judicial district.

Judge, attorney, and marshal ; their pay.

Appeals and writs of error in Supreme Court of the United States.

SEC. 4. *And be it further enacted,* That from and after the admission of the State of Kansas, as hereinbefore provided, all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within that State as in other States of the Union ; and the said State is hereby constituted a judicial district of the United States, within which a district court, with the like powers and jurisdiction as the district court of the United States for the district of Minnesota, shall be established ; the judge, attorney, and marshal of the United States for the said district of Kansas shall reside within the same, and shall be entitled to the same compensation as the judge, attorney, and marshal of the district of Minnesota ; and in all cases of appeal or writ of error heretofore prosecuted, and now pending in the Supreme Court of the United States, upon any record from the supreme court of Kansas Territory, the mandate of execution or order of further proceedings shall be directed by the Supreme Court of the United States to the district court of the United States for the district of Kansas, or to the supreme court of the State of Kansas, as the nature of such appeal or writ of error may require ; and each of those courts shall be the successor of the supreme court of Kansas Territory, as to all such cases, with full power to hear and determine the same, and to award mesne or final process therein.

Terms of District Court.

SEC. 5. *And be it further enacted,* That the judge of the district court for the district of Kansas shall hold two regular terms of the said court annually, at the seat of government of the said State, to commence on the second Mondays of April and October in each year.

APPROVED, January 29, 1861.

February 5, 1861.

CHAP. XXV. — *An Act to authorize the Extension and Use of a Branch of the Alexandria, Loudoun, and Hampshire Railroad within the City of Georgetown.*

Alexandria, Loudoun, and Hampshire Railroad may extend a branch road into Georgetown.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Alexandria, Loudoun, and Hampshire Railroad Company be, and they are hereby, authorized and empowered to extend a branch of their railroad into and within the city of Georgetown, in the District of Columbia, and that said company shall have and exercise the same rights and powers and be subject to the same regulations and restrictions, in regard to the construction and use of such extension, as are or may be granted and prescribed by the charter of said company in regard to the main stem of said road, or by the laws of Virginia in relation to railroads within that State.

City authorities to regulate the running of the cars.

SEC. 2. *And be it further enacted,* That the corporate authorities of the city of Georgetown shall have power to regulate the manner and speed of running the cars of said company within the limits of said city.

On what streets, &c., branch to be built.

SEC. 3. *And be it further enacted,* That the said company shall have power to construct and operate their said extension upon such streets and public ways in said city as may be deemed most expedient by the said company, and with the consent of the corporate authorities of said city.

Provision for land damages.

SEC. 4. *And be it further enacted,* That the Circuit Court of the District of Columbia, and the several officers thereof, shall have and exercise all the powers and duties in relation to the condemnation and acquisition of land or other property by the said company for the purposes of such extension of their branch as are or may be possessed and exercised by the courts of Virginia and their officers in regard to the same ; and the same proceedings shall be had therein as are or may be prescribed or authorized by the laws of Virginia in such cases.

APPROVED, February 5, 1861.