

Boundaries defined.

ranges twenty-seven and twenty-eight east of the Willamette meridian; and running westerly along said line between townships six and seven north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships sixteen and seventeen north; thence west along said line to the line between ranges twenty-seven and twenty-eight east; thence south along said line to the place of beginning, shall constitute a separate land district, to be called the Yakima land district, the office of which shall be located at Yakima City therein.

Register and receiver authorized to be appointed.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities, and shall receive the same fees and emoluments, as the like officers now receive in the other land-offices in said Territory.

Proofs and entries and other unfinished business transferred to Yakima land-office.

SEC. 3. That all persons in said district who, prior to the opening of said Yakima land-office, shall have filed their declaratory statements or applications for pre-emption, homestead, or other land rights, in any other land-office in said Territory of Washington, shall hereafter make proofs and entries at said Yakima land-office; and all unfinished business in any other land-office relating exclusively to lands in said Yakima land district shall be transferred to said Yakima land-office when notified by the officers of the opening thereof.

Approved, June 16, 1880.

June 16, 1880.

CHAP. 243.—An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

Court of Claims. Jurisdiction extended to certain claims against the District of Columbia. Claims specified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the Court of Claims is hereby extended to, and it shall have original legal and equitable jurisdiction of, all claims now existing against the District of Columbia arising out of contracts, made by the late Board of Public Works, and extensions thereof made by the Commissioners of the District of Columbia, and such claims as have arisen out of contracts made by the District Commissioners since the passage of the act of June twentieth, eighteen hundred and seventy-four, and of all claims for work done by the order or direction of the said Commissioners, and accepted by them for the use, purposes or benefit of the said District of Columbia, and prior to the fourteenth day of March, eighteen hundred and seventy-six; and all certificates of the auditor and comptroller of the District of Columbia, all claims based on contracts made by the Levy Court, all sewer certificates, all sewer taxes not heretofore converted into three-sixty-five bonds, all measurements made by the engineers of said District of work done under contracts made since February twenty-first, eighteen hundred and seventy-one, for which no certificates have been issued to and received by the contractor or his assignee which certificates shall be prima facie evidence of the amount of work done, all claims based upon contracts made by the Board of Public Works for which no evidence of indebtedness has been issued. Said Court of Claims shall have the same power, proceed in the same manner, and be governed by the same rules, in respect to the mode of hearing, adjudication, and determination of said claims, as it now has in relation to the adjudication of claims against the United States: *Provided,* Said court may make such additional rules as may be necessary to save costs and prevent delays in the prosecution of such claims. *When the trial of any claim against the District of Columbia, prosecuted*

Procedure.

Proviso. Additional rules authorized.

under the provisions of this act, involves the taking and stating of a long account, or the making of measurements or computations involving the services of engineers, said court shall have power to award a reference to a competent referee to take and state such account, or to the engineer commissioner of the District to make and report such measurements and computations; and said referee or engineer shall report to the court the evidence taken by him for the information of said court, and any such referee shall be allowed such compensation for his services as the court may determine, not exceeding ten dollars per day for time actually employed to be paid on the order of the court by the Secretary of the Treasury and charged to the account of the District of Columbia.

May award a reference.

Referee to take evidence and report to the court; compensation.

SEC. 2. All such claims against the District of Columbia shall, in the first instance, be prosecuted before the Court of Claims by the contractor his personal representatives or his assignee, in the same manner and subject to the same rules so far as applicable as claims against the United States are prosecuted therein, or to such other rules as the court shall prescribe. In any case if before trial either party requests in writing a finding of facts by the court, there shall be the same right of appeal, either by the District of Columbia or by the claimant, and subject to the same rules and regulations, as are prescribed by law for appeals on behalf of the United States or claimants against the United States from the judgments of the Court of Claims: *Provided*, That the prosecution of all such claims shall be commenced in the Court of Claims by the filing of the petition of the claimant, as required by the rules and practice of said court, within six months from the passage of this act; and all such claims against the District of Columbia now existing, and not so filed within said time shall be forever barred, except in cases of claims owned and held by persons under legal disabilities, in which case such claims shall be in like manner barred unless commenced as aforesaid within six months after the expiration of such disability: *Provided*, That all certificates, measurements, or other evidence of indebtedness, in the custody of the Commissioners of the District of Columbia, shall be deposited with the Court of Claims, upon the application of any claimant. When the validity of a number of claims depends substantially upon a like state of facts, they may be brought before the court in one petition in which all parties are joined, and may be tried together under such rules as the court may prescribe, and such judgments may be entered therein as the court may determine; and cases of like kind may be consolidated and tried together whenever the court so orders.

Presentation of claims for prosecution.

Either party may request the court to find the facts before trial. Appeals.

Proviso.

Claims barred if prosecution is not commenced by filing petition within six months from date of passage of this act.

Proviso.

Cases may be consolidated depending upon a like state of facts.

Judgments.

SEC. 3. The Attorney-General of the United States shall have authority, and it shall be his duty, to defend the District of Columbia against all such claims against said District of Columbia prosecuted in said Court of Claims, and on appeal, in like manner as he is now by law required to defend the United States in said court, with the same power to interpose counter claims and offsets against claims and defences for fraud practiced or attempted and all other legal defences, and with like power of appeal as in cases against the United States tried in said court.

Attorney-General of the United States authorized to defend the District of Columbia.

SEC. 4. All laws now in force relating to prosecutions of claims against the United States in the Court of Claims shall apply, as far as applicable, to the prosecution, practice, hearing, and determination of claims against the District of Columbia authorized to be prosecuted under the provisions of this act: *Provided*, That motions for new trials shall be made by either party within twenty-days after the rendition of any judgment: *And provided further*, That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

Laws in force, so far as applicable, shall apply.

Proviso.

Motions for new trial.

Proviso.

SEC. 5. If no appeal be taken from the judgment and determination of the Court of Claims in cases provided for in this act within the term limited by law for appealing from the judgments of said court, and in all cases of final judgments by the Court of Claims, or on appeal by the Supreme Court where the same are affirmed in favor of the claimant, the sum due thereby shall be paid, as hereinafter provided, by the Secretary

Judgments on appeal within term limited by law, and final judgments to be paid by Secretary of the Treasury.

Proviso.

of the Treasury: *Provided*, That no payment shall be made except upon the presentation to the Secretary of the Treasury of a copy of said judgment certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

1874, ch. 337,
Stat., 18, 120.
Payment of
judgments in
three-sixty-five
bonds.

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the three sixty-five bonds authorized by act of Congress approved June twentieth, eighteen hundred and seventy-four, and acts amendatory thereof as may be necessary for the payment of the judgments; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of three sixty-five bonds required to satisfy the judgments; which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date August first, eighteen hundred and seventy-four, and mature at the same time as other bonds of this issue: *Provided*, That before the delivery of such bonds as are issued in payment of judgments rendered as aforesaid on the claims aforesaid, the coupons shall be detached therefrom from the date of said bonds to the day upon which such claims were due and payable; and the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate fifteen millions of dollars: *Provided*, The bonds issued by authority of this act shall be of no more binding force as to their payment on the Government of the United States than the three sixty-five bonds issued under authority of the act of June twentieth, eighteen hundred and seventy-four.

Proviso.

1874, ch. 337,
Stat., 18, 120.

Prosecution.

SEC. 7. In all cases prosecuted under the provisions of this act it shall be the duty of the claimant, after the commencement of said actions, to prosecute them in said court diligently; and after any issue of law or of fact shall be joined in any case, the Attorney-General shall have power to place the same on the trial calendar of said court for trial; and in all cases when any case has been reached in its order on the calendar, and the trial thereof has been unreasonably delayed by the claimant, the said court may, on motion of the Attorney General, on notice to the claimant, or his counsel, attorney, or solicitor, dismiss said claim; and such dismissal or final judgment on any claim shall be a conclusive bar against any further prosecution of such claim before any court or tribunal whatsoever. The Secretary of the Treasury shall pay, according to the provisions of this act, the said judgments from time to time as they may be presented.

Joinder of issue
of law or fact.
Trial of case.
Dismissal for
want of diligent
prosecution.

SEC. 8. No claim shall be presented to, or considered by the Court of Claims under the provisions of this act which was rejected by the Board of Audit.

SEC. 9. That the Treasurer of the United States as ex-officio sinking-fund commissioner of the District of Columbia is hereby authorized and directed to redeem the outstanding certificates of the late Board of Audit, created by the act approved June twentieth, eighteen hundred and seventy-four, with the interest accrued on said certificates by issuing and delivering to the owners or holders of such certificates, bonds of the District of Columbia as provided in section seven of the act approved June twentieth, eighteen hundred and seventy-four, entitled "An act for the government of the District of Columbia, and for other purposes", and acts amendatory thereof, said bonds to bear the same date, same rate of interest, and interest and principal be payable at same time, and subject to all the conditions, pledges of faith, and exemptions as the bonds authorized to be issued by the said seventh section of said act, and shall be signed by the said treasurer as ex officio sinking-fund commissioner of the District of Columbia, and numbered, countersigned, sealed and registered as the said seventh section of said act prescribes detaching all coupons from said bonds up to the date of such certificates.

SEC. 10. No suit now pending for the collection of any claim based upon a contract or extension of contract hereinbefore mentioned in the

Claims rejected
by the board of
audit excepted.

Redemption of
certificates of the
board of audit
authorized.

1874, ch. 337,
Stat., 18, 120.

Pending suits
not prejudiced by
provisions of act.

supreme court of the District of Columbia shall be in any manner prejudiced by the provisions of this act.

Approved, June 16, 1880.

CHAP. 244.—An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money and commissions paid on void entries of public lands.

June 16, 1880.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States', and amendments thereto", approved March third eighteen hundred and seventy-three, and now incorporated in section twenty-three hundred and six of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States.

Certain settlers on public lands.

R. S. 2306.

Repayment to innocent parties of fees, commissions, and excess payments made upon fraudulent and void entries.

Appropriation, permanent.

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Entries canceled or not confirmed; repayment to be made in all cases.

Excess of \$1.25 per acre, double-minimum price for land not within railroad grant, to be repaid to purchaser, heirs, or assigns.

SEC. 3. The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

Appropriation, permanent.

SEC. 4. The Commissioner of the General Land Office shall make all necessary rules, and issue all necessary instructions, to carry the provisions of this act into effect; and for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries.

Rules and regulations to be made by the Commissioner of the General Land Office.

Approved, June 16, 1880.

CHAP. 245.—An act to grant the State of Nevada lands in lieu of the sixteenth and thirty-sixth sections in said State.

June 16, 1880.

Whereas, the legislature of the State of Nevada on March eighth, eighteen hundred and seventy-nine, passed an act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections therein, and relinquishing to the United States all such sixteenth and thirty-sixth sections in said State

Preamble.