

## [CHAPTER 294]

## AN ACT

Providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska.

May 7, 1942  
[H. R. 6604]

[Public Law 542]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than \$100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including the Territory of Alaska, during the years beginning at 12 o'clock meridian July 1, 1941, and ending at 12 o'clock meridian July 1, 1943: *Provided*, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1942, and July 1, 1943, a notice of his desire to hold said mining claim under this Act: *Provided further*, That such suspension of assessment work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation.

Mining claims.  
Suspension of assess-  
ment work.  
30 U. S. C. § 28.  
*Post*, p. 647.

*Provisos.*

Approved, May 7, 1942.

## [CHAPTER 295]

## AN ACT

To permit appeals by the United States to the circuit courts of appeals in certain cases.

May 9, 1942  
[H. R. 139]

[Public Law 543]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act approved March 2, 1907, entitled "An Act providing for writs of error in certain instances in criminal cases" (34 Stat. 1246; U. S. C., title 18, sec. 682), be, and the same is hereby, amended to read as follows:

U. S. Courts.

"That an appeal may be taken by and on behalf of the United States from the district courts direct to the Supreme Court of the United States in all criminal cases in the following instances, to wit:

Appeals to U. S.  
Supreme Court in cer-  
tain criminal cases.

"From a decision or judgment quashing, setting aside, or sustaining a demurrer or plea in abatement to any indictment or information, or any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment or information is founded.

"From a decision arresting a judgment of conviction for insufficiency of the indictment or information, where such decision is based upon the invalidity or construction of the statute upon which the indictment or information is founded.

"From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

"An appeal may be taken by and on behalf of the United States from the district courts to a circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, in all criminal cases, in the following instances, to wit:

Appeals to circuit  
courts of appeals in  
certain criminal cases.

"From a decision or judgment quashing, setting aside, or sustaining a demurrer or plea in abatement to any indictment or information, or any count thereof except where a direct appeal to the Supreme Court of the United States is provided by this Act.

“From a decision arresting a judgment of conviction except where a direct appeal to the Supreme Court of the United States is provided by this Act.

Time limit.

“The appeal in all such cases shall be taken within thirty days after the decision or judgment has been rendered and shall be diligently prosecuted.

Bail.

“Pending the prosecution and determination of the appeal in the foregoing instances, the defendant shall be admitted to bail on his own recognizance: *Provided*, That if an appeal shall be taken pursuant to this Act to the Supreme Court of the United States which, in the opinion of that Court, should have been taken to a circuit court of appeals, or the United States Court of Appeals for the District of Columbia, the Supreme Court of the United States shall remand the cause to the circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, which shall then have jurisdiction to hear and determine the same as if the appeal had been taken to that court in the first instance; and if an appeal shall be taken pursuant to this section to any circuit court of appeals or to the United States Court of Appeals for the District of Columbia, which, in the opinion of such court, should have been taken directly to the Supreme Court of the United States, such court shall certify the case to the Supreme Court of the United States, which shall thereupon have jurisdiction to hear and determine the cause to the same extent as if an appeal had been taken directly to that Court.

*Proviso.*  
Jurisdiction.

Rules of practice  
and procedure.

“Rules of practice and procedure with respect to appeals authorized by this Act shall be prescribed by the Supreme Court of the United States in accordance with the provisions of the Act of June 29, 1940 (54 Stat. 688, U. S. C., title 18, sec. 687).”

Judicial Code,  
amendment.  
36 Stat. 1133.

SEC. 2. That section 128 of the Judicial Code, as amended (U. S. C., title 28, sec. 225), be, and the same is hereby, further amended by adding at the end thereof the following paragraph:

Review of decisions  
and judgments.

“(f) The circuit courts of appeals, including the United States Court of Appeals for the District of Columbia, are further empowered to review decisions and judgments of the district courts in criminal cases on appeals taken by the United States in cases where such appeals are permitted by law.”

Approved, May 9, 1942.

[CHAPTER 296]

AN ACT

May 9, 1942

[S. 673]

[Public Law 544]

Authorizing the conveyance to Sandoval County, New Mexico, of the public land comprising part of the site of the county courthouse.

Sandoval County,  
N. Mex.  
Conveyance to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized and directed to convey to the County of Sandoval, New Mexico, all right, title, and interest of the United States in and to the tract of public land (including any improvements thereon) containing approximately one and two-tenths acres, located in lot 17, section 31, township 13 north, range 4 east, New Mexico principal meridian, used as part of the site of the courthouse and courthouse grounds at Bernalillo, New Mexico. The conveyance of such land shall be made upon payment therefor by the county of the appraised value thereof, exclusive of improvements, but not less than \$1.25 per acre.

Approved, May 9, 1942.