

real estate shall be by bill in equity, verified by the oath or oaths of the party or parties, in which all the facts shall be distinctly set forth, upon the existence of which it is claimed to be expedient that such sale should be decreed; which facts shall be proved by competent testimony. Such of the issue contemplated by the limitation as shall be in existence at the time of the application for the sale of such real estate, shall be made parties defendant to the bill, and if minors, by guardian *ad litem*, together with all who would take the estate in case the limitation over should never vest. Such of the parties defendant as shall be of the age of fourteen years or more shall answer in proper person, on oath, and all evidence shall be taken upon notice to the parties and to the guardian *ad litem*.

sell. How made, and proceedings thereunder.

SEC. 3. *And be it further enacted*, That the proceeds of the sale of such real estate shall be held under the control and subject to the order of the Court, and shall be vested, under its order and supervision, upon real and personal security, or in government securities; and the same shall, to all intents and purposes, be deemed real estate, and stand in the place of the real estate from the sale of which such proceeds have arisen, and as such real estate, be subject to the limitations of the deed or will. This act shall be in force from its passage.

Disposition of proceeds.

APPROVED, August 18, 1856.

CHAP. CLXIV.—*An Act to authorize Protection to be given to Citizens of the United States who may discover Deposites of Guano.*

Aug 18, 1856.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any citizen or citizens of the United States may have discovered, or shall hereafter discover, a deposit of guano on any island, rock, or key not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and shall take peaceable possession thereof, and occupy the same, said island, rock, or key may, at the discretion of the President of the United States, be considered as appertaining to the United States: *Provided, however*, That notice be given by such discoverer or discoverers, as soon as practicable, to the State Department of the United States, of such discovery, occupation, and possession, verified by affidavit, describing said island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States, and that satisfactory evidence be furnished to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government.

Guano islands discovered by citizens and not belonging to other countries, may be considered as appertaining to the United States.

Proviso.

SEC. 2. *And be it further enacted*, That the said discoverer or discoverers, or his or their assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying said island, rocks, or keys, for the purpose of obtaining said guano, and of selling and delivering the same to citizens of the United States, for the purpose of being used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding eight dollars per ton for the best quality, or four dollars per ton in its native place of deposit: *Provided, however*, That no guano shall be taken from said island, rock, or key, except for the use of the citizens of the United States, or of persons resident therein, as aforesaid. *And provided, also*, That said discoverer or discoverers, or his or their assigns, shall first enter into bonds, with such penalties or securities as may be required by the President, to deliver the said guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price aforesaid, and to provide all necessary facilities for that purpose within a time to be fixed

Rights of discoverers in such cases.

Provisus.