New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE HOLBROOK CIVIL SUIT.

Eighth District Court.

The two rules, one to set aside the appeal, the other for alimony, came up yesterday before Judge Emerson, and were disposed of after the following fashion: The appeal had been granted Jennie Bronson from a judgment of divorce obtained by Mr. Holbrook, sundering the tie between the latter and Jennie Bronson. In answer to the rule to dismiss this appeal, Mr. Howard filed an answer, to which several affidavits were attached, urging that the court was without jurisdiction, as the transcript for appeal had already been filed in the Supreme Court. The affidavits, by the ruling of the court, being *ex parte*, were stricken from the record, when Mr. Howard threw up his hands, saying he had no more proof to offer, as the court, in response to an intimation from Mr. Howard that he would move to have the affidavits reinstated, said he would not reinstate them, whereupon Judge Morgan, counsel for Mr. Holbrook, said he had no more evidence to offer. It was then agreed to submit the rule to dismiss, counsel to file briefs by Monday.

The rule for alimony to Jennie Bronson being called, Mr. Howard urged he could not go on until the court had passed upon the rule to set aside the appeal, but this objection being overruled, and the court ordering the case to move on, not consenting to a continuance, the witnesses were called, when Mr. Howard said he would go on with the case if the court would consent to grant a continuance to hear the witnesses then absent when their names were called. On this point the court was decidedly noncommittal. Mr. Howard then asked for "a commission to take testimony," to which his honor answered there were witnesses enough on hand to begin, and that when the missing names were reached the subject of issuing the commission would come up. Mr. Howard could not allow the case to go on unless a commission would issue to take the testimony of Mr. Hart, but his honor said he would listen to no conditions, the case must go on. Mr. Howard then asked, "if the court will discontinue the case at my request!" To this the court answered by ordering the clerk to enter up a discontinuance of the same.

This put the envelope on the whole affair.

Sumner and Pinchback.

We reproduce the subjoined special dispatch from the St. Louis *Republican:*

WASHINGTON, July 30.—Senator Sumner's residence, always a place of popular resort, to-day has been thronged with people, black and white, who visited him to learn of the truth of the statement that he was about publicly and finally to declare himself in favor of Greeley. There have been so many stories to this effect lately, that popular incredulity needed assurances from the Senator's own lips that there was any more foundation for this latter rumor than its scores of predecessors. To all such visitors and inquiries to-day the Massachusetts Senator had but one reply to make. He said that he had never halted or hesitated in his sympathies in the present campaign but only as to the manner and propriety of giving them expression. The letter which he was about to make public was the result of a careful investigation into all the issues entering into the present campaign, and the sentiments there put forth were the honest convictions of his own conscience.

PRESSURE UPON HIM.

In conversation with your correspondent, he said that no man could tell the pressure brought to bear upon him from all quarters since the Baltimore convention to influence his political action. In the first place, he said, all those members of the Grant administration with whom he was still on the most friendly terms, came to him with their specious pleas and arguments, urging him, for the sake of consistency, to stand by the nominee of the regular Republican party, as if, observed the Senator, with a smile, there could be any consistency in my preferring to support a man who had always been a Republican, like Greeley, to one who had never voted the Republican ticket, as Grant once boasted. There would swoop down, then, a delegation of his old political friends, associates and neighbors from Massachusetts, who, with hands upraised, would beseech him not to abandon the old Republican organization in which he had won so many triumphs; and again, he would be pestered with a horde of sharp negro politicians and carpet-baggers, who would fight the war all over again, and discuss the very issues which the Baltimore convention decided were buried forever. "There has been nothing like it," said the Senator, "in my experience before; but," he continued, "I have kept steadily in view the principles involved in the present struggle, and have not allowed myself to be swayed by other influences than my clear convictions of duty to my country and to myself."

OTHER ACCESSIONS TO COME.

He said that he had been in correspondence with the principle men in all parts of the country, and felt assured that many more Republicans who had been yet still, of equal prominence with himself, were in sympathy with the Greeley movement, and would take an early occasion to declare themselves to that effect.

THE COLORED PEOPLE.

As to his colored wards, he says he now feels perfect unsolicitude on that score. He says he had assurances from the best Democrats in the country, who were in high reputation and honor, men whose words are as good as their bonds, men who went into secession conscientiously, and who fought gallantly and who resisted the new order of things so long as resistance availed anything, that the negroes should fare quite as well at the hands of the Democrats as the Republicans, and that equal rights for all men were as much the watchword for either party, as it was in the respective platforms. "If my letter, which is given to the public today does not sufficiently define my position and show where I stand," continued the Senator, "a reply which I sent to Lieutenant Governor Pinchback, of Louisiana, this morning, may be regarded in the light of a decided committal. Pinchback telegraphed to know whether I was going to support Greeley. I replied instantly as follows: 'My watchword for the pending campaign is the unity of the republic, with equal rights for all and reconciliation, as represented by Horace Greeley.'"

PINCHBACK FOR GREELEY.

It is intimated that Pinchback himself, who has been claimed as a strong Grant man, but desired this avowal in order to place himself under the Greeley banner. Being a colored man himself, Pinchback's decision will have an important influence on the colored element in his State.

Wicked Josephine.

[Saratoga Correspondence of the New York Commercial Advertiser.]

Naughty Josephine Mansfield arrived yesterday to testify in the Barnard impeachment case. She first applied for rooms at Congress Hall, and was refused; then she went to the Grand Union, with no better success. At last she took rooms with Mrs. Williams, at the Marvin House.

This morning there was a great flutter among the fashionable ladies of the big hotel to see this Cleopatra, who held such power over our Cæsar and Antony—so they all went up to the impeachment court. You could have seen long rows of fashionable ladies eager to catch a glimpse of the naughty Mansfield.

She came into court at 10 A. M. with Miss Williams, of course the centre of attraction.

As she sat down, a blooded-young lady pulled my sleeve and said:

"Just as I expected, Josephine Mansfield has a vulgar look."

"Why?" I asked.

"Because," replied the young lady, "she wears dark, bright blue ribbons and gloves, and anyone who wears these positive Bowery tints has vulgar taste. Then she bangs her hair in front like a gipsy girl, and weighs, I'll bet you, 230 pounds—bah!"

So Josephine's case was settled by the fashionable court of Congress Hall.

California maples are being killed by industrious insects with shells on their backs.

OFFICIAL.

Laws of the United States Passed at the Second Session of the Forty-First Congress.

[GENERAL NATURE—No. 57.]

An act to provide for the removal of the Kansas tribe of Indians to the Indian Territory, and to dispose of their lands in Kansas to actual settlers.

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 be, and he is hereby, authorized and empowered to cause to be appraised and sold so much of the lands heretofore owned by the Kansas tribe of Indians in the State of Kansas, and which was ceded to the United States in trust in the treaty made by the United States and said Indians proclaimed November seventeenth, anno Domini eighteen hundred and sixty, and which remain unsold, in the following manner, viz: The said Secretary shall appoint three disinterested and competent persons, who shall, after being duly sworn to perform said service faithfully and impartially, personally examine and appraise said lands by legal subdivisions of one hundred and sixty acres or less, separately from the value of any improvements on the same, and also the value of said improvements, distinguishing between the improvements made by members of said Indian tribe, the United States, and white settlers, and make return thereof to the Commissioner of Indian Affairs; provided, that the Secretary of the Interior may, in his discretion, set aside any appraisements that may be made under the provisions of this section, and cause a new appraisement to be made.

SEC. 2. That each bona fide settler at the time occupying any portion of said lands, and having made valuable improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled, at any time within one year from the approval of said appraisement, to purchase for cash the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the appraised value thereof, including the appraised value of any improvements which may have been made by the United States or any of said Indians on the same, under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 3. That all the lands mentioned in the first section of this act now occupied by bona fide settlers, as mentioned in the second section of this act, remaining unsold at the expiration of one year from the approval of said appraisment, shall be sold at public sale, after due advertisement, to the highest bidder for cash, in tracts not exceeding one hundred and sixty acres; and all the lands mentioned in the first section of this act which shall be unoccupied by bona fide settlers at the date of such appraisement may be sold at any time after the approval of said appraisement, at public sale, after due advertisement, to the highest bidder for cash, in tracts not exceeding one hundred and sixty acres, under such rules and regulations as the Secretary of the Interior may prescribe; provided, that in no case shall any of the lands mentioned in this act be sold at less than their appraised value; and provided further, that the Secretary of the Interior may, in his discretion, open any of said lands remaining unsold after having been publicly offered to cash entry at their appraised value, subject to the rights of bona fide settlers as provided for in this act; provided, however, that the proceeds of the sale of said lands and improvements, after paying the expenses of said appraisement and sale, shall be applied in accordance with the provisions of said treaty in the payment of the liquidated indebtedness of said Kansas tribe of Indians pro rata as the same shall be received, and the excess, if any, shall be distributed to the said Indians, per capita, in money.

SEC. 4. That if said Kansas tribe of Indians shall signify to the President of the United States their desire to sell their diminished reserve, as indicated in said treaty, including lands held in severalty and in common, and to remove from the State of Kansas, and shall so agree in such manner as the President may prescribe, the Secretary of the Interior may cause the same to be appraised in legal subdivisions as hereinbefore provided for the appraisement of the so-called "trust lands," and sold in quantities not exceeding one hundred and sixty acres at not less than its appraised value, after due notice, to the highest bidder or bidders on sealed bids, including improvements of every character, and no preference shall be given to settlers on any part of said diminished reserve, and the appraised value of any improvements on any part of said diminished reserve made by any member of said tribe shall be paid to him or her in person, and the residue of the proceeds of said sales shall belong to said tribe in common, fifty per centum of which shall be placed to their credit on the books of the treasury, and bear interest at the rate of five per centum per annum, said interest to be paid to them semi-annually for the term of twenty years, after which period the principal shall be paid to the members of said tribe per capita, and the remaining fifty per centum of the proceeds of sales as aforesaid shall be used in providing and improving for them new homes in the Indian Territory, and in subsisting them until they may become self sustaining; provided, that if any adult member of said tribe to whom an allotment was assigned under the provision of articles one and two of said treaty of November, eighteen hundred and sixty, shall desire to remain upon the same, such member of said tribe shall, upon satisfying the Secretary of the Interior that he or she is the person to whom such allotment was originally assigned, and that he or she has, since the date of such assignment, continued to occupy and cultivate the same, be entitled to demand and receive for such allotment a patent in fee simple; but such land so patented shall be exempt from levy, taxation or sale during the natural life of such Indian.

Approved May 8, 1872.

[GENERAL NATURE—No. 58.]

An act to change the time for holding the circuit and district courts of the United States for the western district of Wisconsin, at La Crosse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of holding the circuit and district courts of the United States for the western district of Wisconsin, at La Crosse, be on the third Tuesday of September of each year, instead of the first Monday of December, as now provided by law; and that the December term at La Crosse be, and the same is hereby, abolished, and that all recognizances, indictments, writs, process and other proceedings, civil and criminal, now pending in either of said courts, may be entered, heard, and tried at the time herein fixed for holding said courts; provided, however, that a term of said court may be held in December, eighteen hundred and seventy-two, for the purpose of taking forfeitures of recognizances and disposing of any and all matters pending in said court, civil or criminal, necessary to be disposed of at said term to prevent discontinuances or any loss of any rights that may have accrued to any party or to the government of the United States.

SEC. 2. This act shall not interfere with the term of said courts appointed to be holden at Madison, in said district, nor with the power now possessed by the judges of said courts to order special terms of the same, as now provided by law.

Approved May 9, 1872.

[GENERAL NATURE—No. 60.]

An act for the relief of purchasers of lands sold for direct taxes in the insurrectionary States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no owner, his heirs or assigns, of any land sold for taxes under the provisions of the act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June seventh, eighteen hundred and sixty two, and of the acts amendatory thereof, shall be permitted to recover the same in any action or proceeding against the purchaser at such sale, his heirs or assigns, without showing, in addition to other necessary facts, that all taxes, costs and penalties due upon the said land at the time of the sale have been paid by him or them, or bringing into court and depositing with the clerk, for the use of the United States, the amount, with interest, of the taxes and penalties due to the United States on account of the lands when sold, together with all the costs and expenses of the sale, which sum, in case of the recovery of the land by such owner, his heirs or assigns, shall be paid by the clerk into the treasury of the United States.

SEC. 2. That in all cases where the owner of any land sold for taxes as aforesaid, his heirs or assigns, shall recover the same from the purchaser, his heirs or assigns, without collusion on his or their part, by the judgment of any United States court, by reason of a failure, without his or their fault or neglect, of the title of the purchaser derived from said sale, the Secretary of the Treasury, on the payment into the treasury, by the clerk, of the money deposited with him as aforesaid, and on being satisfied that any purchaser, his heirs or assigns, without his or their collusion, has been evicted from or turned out of possession of any such land by the judgment of any United States court, in the manner before mentioned, is hereby authorized, out of any money in the treasury not otherwise appropriated, to repay to the person or persons entitled thereto a sum of money equal to that originally paid by the purchaser of the land so recovered, if the same has been paid into the treasury.

Approved May 9, 1872.

[GENERAL NATURE—No. 59.]

An act to extend the time of payment for their lands by persons holding pre-emptions on the public lands in the States of Minnesota, Wisconsin, and Michigan, and Territory of Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons holding pre-emptions upon any of the public lands of the United States within the States of Minnesota, Wisconsin, and Michigan, and Territory of Dakota, whose final payment has not been made, shall be allowed the additional time of one year in which to make final proof and payment from the time at which such pre-emptions are required to be paid for by the present laws.

Approved May 9, 1872.

[GENERAL NATURE—No. 61.]

An act to perpetuate testimony in the courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all depositions taken de bene esse, to be used in any civil cause depending in any court in any district of the United States, for the causes and before the officers mentioned in section thirty of the "act to establish the judicial courts of the United States," approved September twenty-fourth, seventeen hundred and eighty-nine, shall be taken upon reasonable notice, to be given in writing by the party or his attorney proposing to take such deposition, to the opposite party or his attorney of record, which notice shall state name of the witness and the time and place of the taking of his deposition; and in all cases in rem, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such circuit or district shall think reasonable and direct. But this act shall not be construed to affect the power of any such court to cause testimony to be taken under commission, according to the course of the common law, to be used therein.

Approved May 9, 1872.

[GENERAL NATURE—No. 62.]

An act to promote the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

SEC. 2. That mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations and laws in force at the date of their location. A mining claim located after the passage of this act, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing at the passage of this act shall render such limitation necessary. The end lines of each claim shall be parallel to each other.

SEC. 3. That the locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the passage of this act, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with said laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of said surface locations: Provided, that their right of possession to such outside parts of said veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as aforesaid, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of said veins or ledges; And provided further, that nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

SEC 4. That where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel or veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of said tunnel.

SEC 5. That the miners of each mining district may make rules and regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground, so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the passage of this act, and until a patent shall have been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the passage of this act, ten dollars' worth of labor shall be performed or improvements made each year for each one hundred feet in length along the vein until a patent shall have been issued therefor; but where such claims are held in common such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had never been made; provided, that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after such failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required by this act, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion to comply with this act, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

SEC. 6. That a patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this act, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States surveyor general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted as aforesaid, and shall file a copy of said notice in such land office, and shall thereupon be entitled to a patent for said land, in the manner following: The register of the land-office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to said claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during said period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with this act.

SEC. 7. That where an adverse claim shall be filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land office, together with the certificate of the surveyor general that the requisite amount of labor has been expended, or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or so much thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it shall appear from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor general, whereupon the register shall certify the proceedings and judgment roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Proof of citizenship under this act, or the acts of July twenty-sixth, eighteen hundred and sixty-six, and July ninth, eighteen hundred and seventy, in the case of an individual, may consist of his own affidavit thereof, and in case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief, and in case of a corporation organized under the laws of the United States, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation; and nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

SEC. 8. That the description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued as aforesaid for claims upon unsurveyed lands, the surveyor general, in extending the surveys, shall adjust the same to the boundaries of such patented claims, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 9. That sections one, two, three, four and six of an act entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, are hereby repealed, but such repeal shall not affect existing rights. Applications for patents for mining-claims now pending may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this act; and all patents for mining-claims heretofore issued under the act of July twenty-sixth, eighteen hundred and sixty-six, shall convey all the rights and privileges conferred by this act where no adverse rights exist at the time of the passage of this act.

SEC. 10. That the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy, shall be and remain in full force, except as to the proceedings to obtain a patent, which shall be similar to the proceedings prescribed by sections six and seven of this act for obtaining patents to vein or lode claims; but where said placer claims shall be upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims hereafter located shall conform as near as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant, but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; provided, that proceedings now pending may be prosecuted to their final determination under existing laws; but the provisions of this act, when not in conflict with existing laws, shall apply to such cases; and provided also, that where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, said fractional portion of agricultural land may be entered by any party qualified by law, for homestead or preemption purposes.

SEC. 11. That where the same person, association or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case (subject to the provisions of this act and the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy) a patent shall issue for the placer claim, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode such as is described in the second section of this act, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer claim which does not include an application for the vein or lode claim, shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 12. That the surveyor general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together [illegible] cost of publication of noti[illegible] by the applicants, and the[illegible]rty to obtain the same at the most [illegible]le rates; and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this act; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by said applicant for publication and surveys, together with all fees and money paid the register and receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office. The fees of the register and the receiver shall be five dollars each for filing and acting upon each application for patent or adverse claim filed, and they shall be allowed the amount fixed by law for reducing testimony to writing, when done in the land office, such fees and allowances to be paid by the respective parties; and no other fees shall be charged by them in such cases. Nothing in this act shall be construed to enlarge or affect the rights of either party in regard to any property in controversy at the time of the passage of this act, or of the act entitled "an act granting the right of way to ditch and canal owners over the public lands and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, nor shall this act affect any right acquired under said act; and nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the act entitled "an act granting to A. Sutro the right of way and other priveleges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

SEC. 13. That all affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if said party can not be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

SEC. 14. That where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection: Provided, however, That the subsequent location shall have the right of way through said space of intersection for the purposes of the convenient working of the said mine; and provided also, that where two or more veins unite the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 15. That where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable under this act to veins or lodes; provided, that no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section.

SEC. 16. That all acts and parts of acts inconsistent herewith are hereby repealed; provided, that nothing contained in this act shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws.

Approved May 10, 1872.

[GENERAL NATURE—No. 63.]

An act to authorize the commissioners of claims to appoint special commissioners to take testimony, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners of claims shall have authority to appoint special commissioners to take testimony, to be used in cases pending before them, who shall have authority to administer oaths and affirmations, and to take the depositions of witnesses; provided, the claimants shall pay the fees of such special commissioners for taking the depositions of witnesses called by them; but such fees shall in no case exceed ten cents per folio if the claim is less than one thousand dollars.

SEC. 2. That any person who shall knowingly and willfully swear falsely before the said commissioners of claims, or either of them, or before any special commissioner appointed by virtue of this act, in any matter or claim pending before said commissioners, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished in the same manner prescribed by law in cases of willful and corrupt perjury.

SEC. 3. That the commissioners of claims may appoint and employ agents, but not more than three at any time, whose duty it shall be, under the direction and authority of said commissioners, to investigate claims pending before them, to procure evidence, to secure the attendance of witnesses on behalf of the government, and to examine the same, and to cross-examine the witnesses produced by claimants, and to perform such other duties as may be required of them by said commissioners, who may discharge them at any time. The said agents shall be allowed their actual and necessary traveling expenses; the expenses paid out in investigating claims, procuring witnesses, and taking testimony, and six dollars per day while employed in the discharge of their duties; of all which, at the end of each month, they shall make a statement in detail, specifying the amounts by them paid out, to whom paid, when and where and for what purpose, and the number of days employed in their duties, and shall transmit the same, duly certified, to the commissioners. But no claim where the amount exceeds ten thousand dollars shall be examined, decided, and reported by the commissioners to Congress, except the testimony on behalf of the claimant in such case shall have been taken orally before the commissioners or some one of them personally, or shall have been taken previous to the third day of March, eighteen hundred and seventy-one, to be used in the Court of Claims or before some department of the government.

SEC. 4. That the commissioners may employ three additional clerks at a salary of one thousand two hundred dollars per year; and may employ, at the usual rates, such assistance for the short-hand reporter as may be necessary, from time to time, in reporting, copying, and preparing for Congress the oral testimony taken in cases before the said commissioners.

SEC. 5. That all the expenses incurred under the provisions of this act shall be allowed and paid in the same manner and out of the same appropriation provided for in the act organizing the said commissioners of claims, being an act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and seventy-two, and for other purposes," approved March third, eighteen hundred and seventy-one.

SEC. 6 That it shall be the duty of the said commissioners of claims to receive, examine and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the navy of the United States, in the same manner and with the like effect as they are now required by law to do in the case of stores or supplies taken or furnished for the use of the army.

Approved May 11, 1872.

[GENERAL NATURE—No. 64.

An act to establish certain post roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be and are hereby established as post roads:

ALABAMA.

From Crossville, via Big Wills Creek and Rodenton, to Atalla.
From Crossville, via Grove Oak, Newville, and Park's Store, to Scottsboro'.
From Tuscumbia, Saints Store, to Newburg.
From Rocky Head to Haw Ridge.
From Kemp's Creek to Bowdon.
From Ashland, via Hillabee, Millersville, and Bradford, to Rockford.
From Louina, via Davidson, and Dudleyville, to Dudeville.
From Louina, via Wood's Ferry, Wesobulga, and Mullins, to Blakes' Ferry.
From High Shoals, via Roanoke, Weif's, Higgins', and Buffalo Wallow, to Chambers'.
From Rock Mills, via Bacon Level, Hickory Flat, and Wehadka, to Antioch.
From Pinckneyville to Childersburg.
From Tuskegee, via Honey Cut, to Union Springs.
From Hines Precinct to Tuskegee.
From Wedowee, via Jordans and Arbacoochee, to Bell's Mills.
From Cole's Station to Tallasee.
From Wetumpka to Robinson Springs.
From Society Hill to Hurtville.
From Troy, via Pea river, Buck Horn, and Louisville, to Clayton.
From Blake's Ferry, via Fox Creek, to East Mill.
From Tuskegee, via Cross Keys, Calhatchee, and Mount Meigs, to Montgomery.
From Dadeville, via Pinckneyville, and Sylacogga, to Childersburg.
From Opelika, via Oak Bower, to Dudleyville.
From Letohatchee, via Hickory Grove, Mount Carmel, Argus, and Helicon, to Olustee.
From Chullafinnee to Caimbardville.
From Jasper to Somerville.
From Bullock to Rutledge.
From Rock Mills to Houston, Georgia.
From Smith's Station, via Warcoochee, Beulah, Ossissippi, Trammell's Factory, to West Point, Georgia.
From Hillians to Collinsville.
From Springville to Violy.
From Fertiles to Athens.
From Somerville to Decatur.
From Somerville to Oleander.
From Rogersville to Gilbertsboro.
From Lagrange to Brickville.
From Rock Creek to Dickson.
From Bexar to Pikeville.
From Chester to Democrat.
From Jasper to Jonesboro.
From Pettersville to Athens.
From Handy to Jasper.
From Houston to Hanby's Mills.
From Tuscumbia, via Saint's Store, to Newburg.
From Florence, via Rice's Store, to Waynesboro, Tennessee.
From Tuscumbia, via Fink's Store, to Frankfort.
From Tuscumbia, via Fike's Store, to Frankfort.
From Florence, via Saint's Store, to Waynesboro, Tennessee.
From Pikesville, via Bexas, to Fulton, Mississippi.
From Allsboro to Iuka, Mississippi.
From Smith's Station, via Warcoochee Valley, Beulah, Mechanicsville, Ossinippi, Georgia and Alabama Manufacturing Company, to West Point, Georgia.
From Abbeville to Clopton.
From Columbia to Port Gains, Georgia.
From Bullock to Rutledge.
From Dadeville, via Mountreal, Mt. Zion, Fish Pond, Bulger's Mills, Kowaliga, Guthries, Cotton Store, Sand Tuck, Howle's Store, to Wetumpka.
From Waverly, via Rome, Walnut Hill, Melton's Mills, to Channahatchee.

ARIZONA TERRITORY.

From Tubac to Monument.
From Tubac, via Sonoita Valley, to Crittenden.
From Hardyville, via Mineral Park, to Prescott.
From Bradshaw, via Walnut Grove, to Wickenburg.

ARKANSAS.

From Hamburg to Lake Village.
From Marshall to Harrison.
From West Plains, via Wright's Mill, to Mountain Home.
From West Plains, via Spear's Mills, to Gainesville.
From Cambria to Mereyville, in Missouri.
From Maysville to Vinita, Indian Territory.
From Lewisburg, via Howard and Union City, to Gibbon's Landing.
From Clarksville, via Spada, Morrison's Bluff, Calico, and Anderson, to Reveille.
From Arkadelphia, via Rome, Gray's Ferry, Moscow, Mount Moriah, and Rosston, to Magnolia.
From Brinkley, via Cypress Ridge, Hickory Ridge, and Dades, to Trenton.
From Marshall to Rally Hill
From De Vall's Bluff to De Witt.

CALIFORNIA.

From Santa Cruz to Pescadero.
From Bear Creek to Yo Semite.
From Mendocino City to Novo River.
From Ukiah City to Booneville.
From Upper Lake to Bartlett's Springs.
From Chico to Dayton.
From Dayton to Butte City.
From Butte City to Princeton.
From Woodland, via Cacheville, to head of Capay Valley.
From Wheatland to Spencerville.
From Calistoga, via Great Geysers, to Cloverdale.
From Camptonville, in Yuba county, via Indian Hill, to Brandy City, in Sierra county.
From Shasta City, via Millville, Phillip's Ranch, Round Mountain, Luttrell's Ranch, Caton's Valley, Birney's Valley, Birney's Falls, Pitt River, Bingettville, Fall River Valley, Big Valley, Davidson's Ranch, Mayfield's Mills, Whitley's Crossing, Ash Creek, Adin, McDevitt's Mills, Townsend's Ranch, Steel Brothers' Ranch, Hot Springs Valley, Butte Mountain, Dorrisburg, Franklin's Store, Goose Lake, and Ford Bidwell, to Lake City.
From Strawberry Valley, via Scales Diggins, Port Wine, St. Louis, and Whiskey Diggins, to Gibsonville.
From Jehama, via Paskento, to Newville.
From Lower Lake to Bartlett's Springs.
From Taylorville to Reno, Nevada.
From Sabastopol, via Forbesville, to Guernville.
From Antioch to Bantas.
From Red Bluff, via Roaring River, Janesville, Igo, Piety Hill, Horsetown, and Middletown, to Shasta City.

COLORADO TERRITORY.

From Badito, via Gardner, Cristome, San Isabel, and Bismarck, to Villa Grove.
From Canon City, via Greenwood, Mace's Hole, and Dotsen's to Greenhorn.
From Greenwood to Colfax.
From Badito, via Garner, to Colfax.
From Fort Collins to Livermore.
From Trinidad, via San Francisco, to La Trinchera.
From Garland to Zapote.
From La Lorna to Capota.
From Colorado Springs to Fairplay.
From Creswell, via Bergen Park, to Junction.

CONNECTICUT.

From New Hartfort, via Berkhamstead and Hartland, to West Greenville, in Massachusetts.
From Redding to Bridgeport.
From Pleasant Valley to Riverton.

DAKOTA TERRITORY.

From Richland to Sioux City, in Iowa.
From Yankton, via Welchtown, Ashvill, Skunk Lake, and Sisseton, to Breckenridge.
From Yankton, via Scotland, Milltown, Rockport, Firesteel, Batesville, Diamond Hill, and Eldorado, to North Pacific Railroad.
From Fort Sully, via Cheyenne Agency, Grand River Agency, Fort Rice, for Stevenson, and Fort Bradford.
From Whetstone Agency, via White River Forks, to Spotted Tail's Agency.
From Eden, via Lodi, Turkey Creek, and Thomsonville, to Yankton.
From Canton, via Turnersville, Swan Lake, Ashville, and Wolf Creek, to Milltown.
From Sioux Falls City, via Rockport, to Fort Thompson.
From Vermillion, via Pilot Grove and Morry's Crossing, to Yankton.
From Medera to Big Stone Lake.
From Yankton to Norfolk, in Nebraska.
From Owego to Breckinridge, in Minnesota.
From Norfolk, in Nebraska, via Santee Agency, Springfield, Dayton, Scotland, Maxwell City, Red Earth, and Skunk Lake, to Dell City.
From Crow Creek Agency, via Cocosh, Gray Cloud, Alwilda, Central City, Bangor, Cecelia, and Brisbine, to Flandreau.
From Springfield, via Marshton, Woodbine, Laurel, Rockport, Atchate, Flandreau, Lake Shetek, and Mahoka Lake, to Mankato, in Minnesota.
From Sioux Falls City to Wicklow.
From Sioux Falls City to Worthington.

GEORGIA.

From Jasper to Dawsonville.
From Louisville to Way's.
From Tunnel Hill to Dirt Town.
From Bainbridge, via Swann's Bridge, to Steam Mill.
From Harrell, via Calvary, to Concord, Florida.
From Athens, via McClesky's and Jug Tavern, to Lawrenceville.
From Monticello to Hillsborough.
From Madison to Ebenezer.
From Oconee Station, on Central Railroad, to Norris' Store.
From Hawkinsville to Vienna.
From Valdosta, via Ashley Lawson's, to E. J. Williams'.
From Cartersville, via Ball Ground, Walasco, and Dawsonville, to Dahlonega.
From Mt. Pleasant, on Brunswick and Albany Railroad, to Owen's Ferry, on St. Illa River.

INDIANA.

From New Garden to Arba.
From Bethel to Holansburg.
From Martinsville, via Pine City, to Eminence.
From Martinsville, via Monroe Mills and Oak Farm, to Nashville.
From Morgantown, via Cope, to Waverly.
From Newberg to Marco.

INDIAN TERRITORY.

From Perryville, via Busby and Goodland, to Paris, in Texas.
From Parker, in Kansas, via Coody's Bluff, Shanta-Sapba (or Black Dog Creek), Choteau Station, and Locust Grove to Tahlequah.
From Rossville, via Nu-Nohetihe, Lynch's Mill, Grand Salim, Locust Grove, and Fourteen-mile Creek, to Fort Gibson.
From Marysville, in Arkansas, via Spavinaw and Moravian Mission, to Tahlequah.
From Tahlequah, via Flint, Clear Spring, and Lee's Creek, to Van Buren, in Arkansas.
From Coyville, Kansas, via Sac Agency, Okmulege, Barnett, Bruner, Stonewall, and Tishamingo, to Preston, Texas.

IOWA.

From Harper's Ferry, via Elon and Dalby, to Waukon.
From Fairbank to Grove Hill.
From Duncombe to Gowrie.
From Cherokee to Worthington.
From Jefferson to Mansion.
From Davenport, via Amity, Allen's Grove, and Buena Vista, to Calamus.
From Platteville, via Mormontown, to Redding.
From Florence, via Robin and Doebell, to Shellsburg.
From Iron Hill, via Emeline and Canton, to Cascade.
From Easton, via Plattsville, to Bridgeport.
From Le Mars to Wolfdale.
From Sibley to Beloit.
From Ottumwa, via Oak Springs, to Unionville.
From Iron Hill to Crab's Mill.
From Centre Junction, via Madison to Hale.
From Spirit Lake, via Sibley to Beloit.
From Cherokee, Iowa, to Worthington, Minnesota.
From Union Mills to Hopewell.
From Donelson, via Dover, Clay Grove, and Pilot Grove to Salem.
From Woodbine to Shelby.
From Le Mars, via Orange City, Ocheyedan, and Sibley, to Worthington, Minnesota.
From Miami Valley to Garner's Mill.
From Franklin to Washington Prairie.
From Waukon, via Rud's, Dorchester, and Wilmington, to Caledonia, Minnesota.
From Neols to Glenwood.

ILLINOIS.

From Colchester to Fandon.
From Mill Shoals to Belle City.
From Robinson, via Hardinsville, Chauncey and Sumner, to Mier

IDAHO.

From Silver City to Fairville.
From Tynesville to Washington.

KENTUCKY.

From Fordsville to Pellville.
From Owenton, via Squireville, to Springfort.
From Buffalo to Siloma.
From Prestonburg to Warfield.
From Grumville, via Deer Creek, to Rolling Fork.
From Morton to Rockville.
From Hickman to St. John, via Lodgetin Moscow Station, Lynnville, Murray, Goo[illegible] Bridge, New Providence and New Co[illegible]cord.
From Moscow to Milburn, via Clint[illegible] and Spring Hill.
From Clinton to Wingo Station, via Sul[illegible]van's Store, and Baltimore.
From Clinton to Mayfield, via Dublin.
From Columbus to Blandville, via M[illegible] Clure's.
From Clinton to Blandville, via Commi[illegible] Mill.
From Blandville to Barlow City.
From Dublin, via Fancy Farm, Wilso[illegible] Creek, and Kansas, to Paducah.
From Mayfield to Barlow City, via W[illegible]son's Creek, Lovelaceville' Hinkleville, [illegible] Hazlewood.
From Hodgensville to New Haven.
From Calhoun to Sevia or Owensboro [illegible] Russelville Railroad.
From Samuels' Depot to Chaplin.
From Lancaster, via Buckeye, Mo[illegible]