New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
OFFICIAL JOURNAL OF NEW ORLEANS

The Texas Pacific Railway.

[From the St. Louis Democrat.]

In our advertising columns will be found "Proposals for the construction of the Texas Pacific railway," embracing the grading, bridging, tieing and track laying of 500 miles of the above road. The Texas Pacific road is what has been heretofore known as the Southern Pacific or thirty-second parallel road. The entire line has passed into the hands of able capitalists, embracing some of the most vigorous and wealthy railway builders of Europe and America, and has been placed under the control of Thomas A. Scott, of the Pennsylvania Central. This fact alone gives a guarantee of success. The line of this road extends from Shreveport, on Red river, in the State of Louisiana, to San Diego, California, a distance of about 1400 miles. Its route is near the thirty-second parallel, passing through the towns of Marshall, Dallas and Fort Worth, on the southern division, and Jefferson, Clarksville, Paris, Sherman and Denton, on the northern division. From Fort Worth the line runs as direct as possible to El Paso, thence along the Gila to a crossing of the Colorado river near Fort Worth, and thence by the most direct and practicable route across the State of California to San Diego, on the Pacific coast.

The seven hundred miles through Texas is over a fine rolling prairie country, well watered and timbered. As far west as Fort Worth—the western terminus of that portion of the road to be established in 1873—the country is tolerably well settled, and this year has magnificent crops of corn, wheat, hay, oats and vegetables. Each of the counties along the line of the road to Fort Worth has from ten to twenty thousand inhabitants. This road has large land subsidies, and ten thousand dollars per mile in State bonds, from the State of Texas, and from the United States forty sections of land to the mile, along the route west of Texas. Through Texas, New Mexico and Arizona the road traverses the richest portions thereof, in agricultural and mineral resources, and will develop their best silver and gold mines. It skirts the northern boundary of Mexico, and as soon as it reaches the Rio Grande it will control all the business of the northern States of that republic, thus bringing to the United States the trade of a vast, rich, and productive empire that has heretofore flown elsewhere. Northern Texas offers unparalleled inducements to the immigrant and settler. Its climate is unexceptionable; its soil is similar to that of Iowa and Illinois, and the farmer raises cotton, corn, wheat, oats, barley and vegetables in the same field, and in remarkably large quantities. Heretofore the country has lacked in facilities of reaching it, but now there are two railroads reaching from St. Louis and Kansas City, extending South, and connecting with roads built and projected through all parts of that country. The Missouri, Kansas and Texas, and the Atlantic and Pacific join at Vinita, in the Indian Territory, thence run south to the Red river, where they connect with the Houston and Texas Central which runs south through Dallas, Corsicana, Hearne and Houston to Galveston. Roads also extend north from Galveston and Houston, tapping the Texas Central at Longview, also in Kaufman county, and at Dallas on the southern line, and at Sherman on the northern line. From St. Louis boats run regularly to Shreveport, from which point the Texas and Pacific road is built sixty-six miles west to Longview. From Vicksburg a railroad is built and running to within one hundred miles of Shreveport, and will no doubt be completed to a connection with the Texas and Pacific at Shreveport in a very short time. The completion of this road to Fort Worth, which, as we have stated above, must occur during 1873, will open a vast new field of trade to this city. Texas ought to ship us a half million hogs for our packeries every year, a quarter of a million good beeves per annum, several hundred thousand sheep, eight or ten million bushels of corn, three or four million bushels of good winter wheat, half a million bales of cotton, a hundred thousand hogsheads of sugar, fifty thousand barrels of molasses, thirty to fifty thousand hogsheads of tobacco, large amounts of lumber, pig metal of various kinds in abundance, and immense quantities of fruits and vegetables of all kinds. In return they should take from us every year a vast quantity of stoves, tinware, hardware, cutlery, queensware, wagons, carriages, saddles, harness, furniture, dry goods, groceries, drugs, chemicals, glass, oils, paints, nails, boots and shoes, ready-made clothing, grist and saw mill machinery, belting, leather, willow and wooden ware, ground spices, butter, cheese, etc.

The magnitude of our trade with the new country about to be opened up to us will depend in part upon the exertions of our merchants, and in part upon the co-operation of such connecting lines of transportation as may be established between St. Louis and this great trunk road. In the outset we have the advantage over any other competing city in the possession of a well organized line of steamboats plying between this city and Shreveport, on the Red river, which is to become the eastern terminus of this great road. Whenever there is sufficient water in the Red river to float our boats to Shreveport, we can take the goods to this railway and bring produce from it to this city much cheaper than can be done by the rail connection which we shall have via the Missouri, Kansas and Texas, or via the Atantic and Pacific road. It must steadily be borne in mind, however, that Chicago is to have a direct rail connection with this Texas Pacific road via Sedalia, and judging by past experiences, we may expect from her a sharp competition for this trade, in which struggle she will have the usual advantage of sharp railway discriminations in her favor along the line to Sedalia. From Sedalia onward we presume there will be something approaching impartial rates enforced, but St. Louis need not count upon any advantage to be derived from her nearness to the field to be labored in, as against Chicago's remoteness from it. Distances by rail now, when a Chicago interest is in jeopardy, do not appear to count much; and we find that Chicago business may be transacted over a given distance of railway for about half the rate charged for St. Louis business over an equal amount of railway. Chicago papers boast of this, and exultingly claim that the trade of Texas shall be theirs. Chicago merchants will work hard for it without a doubt, and their zeal must be met by more sealous efforts on the part of our merchants. Our goods must be marked down to the lowest figure which will afford a profit, and the expenses for selling and carrying the products of Texas which may be offered to us must be cut down to a minimum figure. Our steamboats must co-operate by cutting their freights down to the lowest living rate between here and Shreveport and Shreveport and here. By adopting and adhering to a policy such as the above, success would be assured.

There is one feature connected with the proposed construction of the above road which is peculiarly gratifying, and that is the fact that to the enterprising firm of Bofinger & Pegram, of this city, has been given a large contract for the furnishing of supplies for the road. These supplies will include breadstuffs, meat, beans, dried fruit, groceries, picks, shovels, axes, spikes, wheelbarrows, wagons, mules and horses, portable engines, portable saw mills, scrapers, plows, etc. It is the desire of this firm to make their purchases—which will involve the expenditure of several millions of dollars—all in this city, and there seems no good reason why prices here should not be put at a point which will enable them to do this. There is one thing certain, that in the line of machinery, cutlery and implements, St. Louis will furnish a class of goods which can not be surpassed in quality for the price charged anywhere in this country, and we fully believe that, if the proper search is made, it will be found that there are dealers here who now sell their goods quite as low, if not a shade lower, than goods of the same quality are offered at elsewhere.

The mere fact that Stokes was in the Grand Central when Fisk fell down stairs and shot himself has cost the former gentleman seven thousand dollars, to say nothing of lost time. Some men are so unlucky.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

No. 91.

AN ACT

To provide for the construction of a shell road in the parish of Jefferson by the police jury of the left bank of said parish, and for the payment thereof; for the keeping of the same in repair, and to authorize said police jury to levy a special tax for said purpose.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That it shall be the duty of the police jury of the left bank, parish of Jefferson, and it is hereby authorized and empowered to pass and adopt, within ten days from the passage of this act, the necessary ordinances and resolutions for the construction within one year from the adjudication of the contract, of a shell road extending along the Metairie ridge in said parish of Jefferson, from the New Orleans canal west as far as the Labarre road, and at the option of said police jury along the Labarre road to the river Mississippi; said road shall be in all respects a first class shell road, and shall be built in accordance with the specifications to be furnished by the surveyor of the parish; and it shall be the duty of the police jury to cause the surveyor of said parish, or of some other, in case there be no such officer, to furnish the necessary plans, lines, grades, levels, curves, etc., and to take the general superintendence, in accordance with the specifications furnished, and the cost of this shall be assumed by the contractors.

SEC. 2. Be it further enacted, etc., That the cost of the construction of said shell road shall be borne in equal proportions, one-half each by the front proprietors bordering on said road, pro rata, and the said police jury of the left bank, parish of Jefferson, and the proportion of the front proprietors shall remain a lien and privilege superior to all other liens and privileges upon the property fronting on said road in favor of the contractors thereof, until fully paid, by recording the bills for the same, duly certified by the surveyor of said parish, in the office of the recorder of said parish.

SEC. 3. Be it further enacted, etc., That it shall be the duty of said police jury of the left bank, parish of Jefferson, within ten days from the passage of this act, to advertise for ten days in the official papers of the parishes of Jefferson and Orleans for proposals, to be sealed and directed to said police jury, and to be opened by them in open and public meeting of said police jury on a day to be named in said advertisement, when said police jury shall proceed to adjudicate the contract to build said road to the lowest bidder, and shall proceed, in such form as said police jury shall determine, to make a formal contract in accordance with the plans and specifications, and said lowest proposal, with said lowest bidder, and may require of such lowest bidder such security as said police jury may think proper for the faithful performance of the contract within such time as the said police jury and said contractors may agree, it being understood that this shall not exceed one year.

SEC. 4. Be it further enacted, etc., That from and after the completion of said shell road hereinbefore provided for, it shall be the duty of said police jury, during the month of December of each and every year, to appropriate a sufficient sum of money out of its treasury to keep said road in repair during the current year, which sum shall not be appropriated to any other purpose.

SEC. 5. Be it further enacted, etc., That upon the completion of said shell road, and said completion having been duly certified to, according to the provisions of this act, it shall be the duty of said police jury of the left bank, parish of Jefferson, to at once pay to the builders of said road, or otherwise settle with them, as both parties to the contract may agree, the proportion of the police jury being one-half the total cost thereof; and should there not be sufficient funds in the treasury, the police jury are hereby authorized to levy a special tax sufficient to pay the sum required upon all the taxable property in the left bank, parish of Jefferson, to be equally assessed according to the last assessment made before the levying of such special tax; and upon the collection of such special tax, which shall be immediately proceeded with, said police jury shall pay its proportion of the cost of the shell road herein provided for.

SEC. 6. Be it further enacted, etc., That all laws or parts of laws contrary to or inconsistent with the provisions of this act are hereby repealed.

SEC. 7. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) OSCAR. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

A true copy:
J. W. FAIRFAX,
Assistant Secretary of State.

Received in the office of Secretary of State August 6, 1872.

The foregoing act having been presented to the Governor of the State of Louisiana for his approval, and not having been returned by him to the house of the General Assembly in which it originated within the time prescribed by the constitution of the State of Louisiana, has become a law without his approval.

OFFICIAL.

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

[GENERAL NATURE—No. 4.]

An act to change the times for holding circuit and district courts of the United States for the western district of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of the times now fixed by law, the circuit and district courts of the United States for the western district of Virginia shall hereafter be held as follows: At Danville, on the Tuesday after the fourth Monday of February and August; at Lynchburg, on the Tuesday after the third Monday of March and September; at Harrisonburg, on the Tuesday after the second Monday of April and October; and at Abingdon, on the Tuesday after the fourth Monday of May and October. And all recognisances, indictments, or other proceedings, civil or criminal, now pending in either of said courts, shall be entered and have day in court, and be heard and tried according to the times of holding said court as herein provided.

Approved, February 1, 1872.

[GENERAL NATURE—No. 22.]

An act amending the act approved July twenty-seventh, eighteen hundred and sixty-eight, entitled "An act relating to pensions."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act of Congress approved July twenty-seventh, eighteen hundred and sixty-eight, entitled "An act relating to pensions," be amended by inserting after the word "commission," in said section, the words "or was at some naval station."

Approved March 5, 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 of 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 with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable 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 Reanoke, Weif's, Higgins', and Buffalo Wallow, to Chambers'.
From Rock Mills, via Bacon Level, Hickory Flat, and Wehadka, to Autioch.
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, Culhatchee, 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 Chullafunee to Caimbardville.
From Jasper to Somerville.
From Bullock to Rutledge.
From Rock Mills to Houston, Georgia.
From Smith's Station, via Warcoochee, Benlah, Ossissippi, Trammell's Factory, to West Point, Georgia.
From Hillians to Collinsville.
From Springville to Vidy.
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, Benlah, Mechaniesville, Ossinoppi, 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, Gutliries, 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 Mercyville, 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,