LAWS OF THE UNITED STATES.

PASSED AT THE SECOND SESSION OF THE THIRTY-FOURTH CONGRESS.

AN ACT to authorize the Issuing of Patents for certain Lands in the Town of Stockbridge, State of Wisconsin, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That, upon satisfactory proof being made that an occupant[s] of unpatented land in the town of Stockbridge, Calumet County, in the State of Wisconsin, which has, by treaty or otherwise, been allotted to any individual members of the Stockbridge or Munsee tribe of Indians, are the purchasers, grantees, or assignees of such members of said tribes, the President of the United States be authorized to issue patents for the land so occupied to such purchasers, grantees, or assignees, respectively; *Provided*, That in case of conflicting claims to any of the lots of land the commissioner of the general land office is authorized to hear the proofs of the respective claimants, and to decide which of such claimants are justly entitled to said land, and patents shall be issued in accordance with such decision.

SEC. 2. *And be it further enacted*, That patents issued according to this act shall vest in the patentee title to the land described in such patent, in fee simple, subject to any valid lien or incumbrance thereon created by said patentees or those under whom he claims.

SEC. 3. *And be it further enacted*, That the lots of land in said town of Stockbridge belonging to the United States, not hereinbefore directed to be patented, shall be attached to and form a part of the Menasha land district, and if, in the opinion of the commissioner of the general land office, it shall be for the public interest, the same may be sold at the minimum price of three dollars per acre for lots fronting on Lake Winnebago, five dollars per acre for the two tiers of lots fronting on the military road, one tier of lots on each side thereof, and two dollars and fifty cents per acre for the residue of said land to actual settlers thereon possessing the qualifications requisite to acquire pre-emption rights, who shall prove to the satisfaction of the register of the land-office at Menasha, Wisconsin, that he or she has made improvements to the value of not less than fifty dollars, and is actually residing upon the land; the time of paying the purchase price may be extended for a period not exceeding one year from the passage of this act: *Provided*, That no such actual settler shall be permitted to pre-empt more than two contiguous lots on which he or she has made improvements of the value of not less than one hundred dollars. The lands not sold within one year as hereinbefore provided, shall be brought into market and sold at not less than the minimum prices fixed by this act.

Approved, March 3, 1865.

AN ACT to quiet Titles in Favor of Parties in actual Possessions of Lands situated in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all deeds heretofore recorded in the land records of the District of Columbia, which have been executed and acknowledged by femmes covert (their husbands having signed and sealed the same) for conveying any real estate, or interest therein, situated in said district; and all acknowledgements of deeds heretofore recorded, as aforesaid, which have been made by femmes covert (whether they have executed the deed or not) for the purpose of releasing their claims to dower in the lands described therein, situated as aforesaid, in which acknowledgements the form prescribed by law has not been followed; and all deeds heretofore recorded, as aforesaid, which have been executed and acknowledged by an attorney-in-fact, duly appointed for conveying real estate situated in said district; and all deeds heretofore recorded, as aforesaid, executed and acknowledged, or only acknowledged by such attorney-in-fact, for conveying real estate situated in said district, as to which the acknowledgement was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district, acknowledged out of the District of Columbia, before a judge of a United States court, or before two aldermen of a city or the chief magistrate of a city, or before a notary public; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying lands situated in said district, acknowledged by an attorney-in-fact, duly appointed, or by an officer of a corporation, who has been authorized to acknowledge the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, shall be, and the same are hereby, declared to be of the same effect and validity to pass the fee simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned in favor of parties in actual possession, claiming under and through such deeds, as if such deeds had been by such femmes covert executed and acknowledged, or acknowledged in case of a dower right, in the form heretofore prescribed by law: as if such deeds had been executed and acknowledged by the grantor in the deed; as if such power of attorney had been proved before the officer or officers taking the acknowledgment; as if such power of attorney had been proved before two justices of the peace; and if such acknowledgment had been made before any judge of a State court, or before two justices of the peace; as if such attorneys-in-fact or officer of a corporation had acknowledged the deed to be the deed of the grantor or of the corporation: as if such deeds had thereto annexed a certificate, in legal form, that the officer or officers taking the acknowledgement were really what they purport to be: *Provided*, That the certificate of acknowledgment by a femme covert shall show that the acknowledgement was made "apart from and privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect: *And provided, also*, That when the power of attorney shall have [been] executed by a femme covert the same shall be effectual and sufficient if there shall have been such an acknowledgement of the same as would be sufficient, under the provisions of this act, to pass her estate or interest therein if she were sole a party executing the deed of conveyance, the record and copy thereof of any deed recorded as aforesaid to be evidence thereof, in the same manner and to have the same effect as if such deed had been originally executed, acknowledged and recorded according to law.

SEC. 2. *And it be further enacted*, That all exceptions in favor of parties beyond the District of Columbia, which may by existing laws be replied or relied on in any action or proceeding brought in said district, are hereby repealed and abrogated: *Provided*, That this section shall not affect the rights of parties in actions now pending, and such as may be brought within three years from the passage of this act.

SEC. 3. *And be it further enacted*, That the acts of Congress approved May thirty-first, eighteen hundred and thirty-two, and April twenty, eighteen hundred and thirty-eight, in reference to the acknowledgement and recording of deeds of land situated in said district, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in said district at the passage thereof, and that an acknowledgement made and certified in compliance with any one of said acts, and before any officers authorized by either of said acts to take an acknowledgement, (whether in or out of the District of Columbia,) shall be good and effectual; and if it shall appear that the granter "acknowledged said deed," it shall have the same effect as if he or she acknowledged the deed to be his or her act and deed. And any acknowledgement made by a femme covert under either of the acts of Congress (to which shall be sufficient under the provisions of this act) of any deeds executed by her husband, and heretofore recorded in the District of Columbia, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in said district, although she shall not have executed the same.

Approved, March 3, 1865.

AN ACT further to provide for the Verification of Invoices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all consular officers of the United States be and they are hereby, authorized to require before certifying any invoice or invoices under the provisions of the first section of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, satisfactory evidence, either by the oath of the person or persons presenting such invoices or otherwise, that such invoices are correct and true: *Provided*, That in the exercise of the discretion hereby given, the said consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

Approved, March 3, 1865.

AN ACT amendatory of "An Act to amend an Act entitled an 'Act to promote the Progress of the useful Arts,' approved March three, eighteen hundred and sixty-three."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person having an interest in an invention, whether as inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee, as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided in said act, shall have the right to make an application for a patent for his invention the same as in the case of an original application, provided such application be made within two years after the date of the allowance of the original application: *Provided*, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent aforesaid was ordered to issue. This act shall apply to all cases now in the patent office, and also to such as shall hereafter be filed. And all acts or parts of acts inconsistent with this act are hereby repealed.

Approved, March 3, 1865.

AN ACT to amend the third Section of an Act entitled "An Act making Appropriation for sundry Civil Expenses of the Government for the Year ending the thirtieth day of June, eighteen hundred and sixty-five, and for other Purposes," so far as the same relates to Witnesses 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 the third section of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes," be, and the same hereby is, amended by adding thereto the following proviso: *Provided, further*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with, or statement by the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

Approved March 3, 1865.

AN ACT in Relation to the Naval Observatory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act of third of August, one thousand eight hundred and forty-eight, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-nine," as requires that the superintendent of the naval observatory at Washington city shall be a captain, commander, or lieutenant in the navy, be, and is hereby, repealed, and no officer of the navy employed as superintendent shall receive other than the shore-duty pay of his grade.

Approved, March 3, 1865.

AN ACT for the Relief of the Occupants of the Lands of the Ex-mission of San Jose, in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who has the possession rightfully as against all others except the United States, or, being out of possession, is, as against all others except as aforesaid, entitled to the possession of any portion of the tract of land situate in the county of Almeda, State of California, known as the lands of the ex-mission of San Jose, as included in the map and survey thereof, made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall have the right, and the right is hereby granted to each and every such person, to enter and purchase of the United States, at the sum or price of one dollar and twenty-five cents per acre, such portion of said tract so rightfully possessed by him, her, or them, or to which he, she, or they may so have such right of possession, whether such person claim the same by conveyance from or under Andres Pico and Juan B. Alvarado, or either of them, or by possession only: *Provided, however*, That any person entitled under this act to a parcel of less than eight acres shall in all such cases pay ten dollars for the same.

SEC. 2. *And be it further enacted*, That every person claiming any benefit under this act shall, within one year from the passage thereof, present to the register and receiver of the United States land-office at San Francisco a survey or plat of the portion of said tract claimed by him, her, or them, and which shall exhibit the quarter section or sections, or parts thereof, included in said plat, made by or under the direction of the United States surveyor-general for California, and therewith a written statement setting forth the right of such claimant to enter and purchase such portion under the provisions of this act, and whether the said claimant has acquired the alleged title of said Pico and Alvarado, or either of them thereto, or holds by possession only; and thereupon such register and receiver shall, under such rules as may be prescribed by the commissioner of the general land-office, proceed and take, hear, and examine the evidence which may be offered in support of or against such claim, and, upon the proofs being closed, shall determine upon and decide the same: *Provided*, That no decision of said register and receiver shall be final until approved by the commissioner of the general land-office.

SEC. 3. *And be it further enacted*, That the claimant in whose favor final decision has been made, upon paying to the receiver of the land-office at San Francisco for the land embraced in such final decision the sum therefor prescribed in the first section of this act, shall be entitled to a patent for such land from the United States, conveying all the interest of the United States therein to such claimant.

SEC. 4. *And be it further enacted*, That upon all proceedings under this act being closed, and upon the appeal, taken to the Supreme Court of the United States by E. L. Beard and others, claimants of said lands against the United States being dismissed or the decree appealed from affirmed, the surveyor-general of the United States for California shall cause the lines of the public surveys to be extended over all portions of said land which shall not have been disposed of under the provisions hereof, and thereafter the same shall be disposed of as in the case of other public lands.

Approved March 3, 1865.

AN ACT to enable the accounting Officers of the Treasury to settle the Claim of the State of Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized to receive secondary evidence, in lieu of the original vouchers, in support of a claim for expenses incurred by the State of Kansas, provision for reimbursement of which was made by the "Act to indemnify the States for expenses incurred by them in defence of the United States," approved July twenty-seven, eighteen hundred and sixty-one, said original vouchers having been destroyed by fire at the late massacre in Lawrence, Kansas: *Provided*, That in the settlement of the above mentioned claim, there shall not be allowed to the State of Kansas a sum exceeding the sum of twelve thousand three hundred fifty-one dollars and four cents (12,351.04.)

Approved March 3, 1865.

AN ACT to extend the Provisions of the first Section of "An Act for the Government of Persons in certain Fisheries," approved June nineteenth, eighteen hundred and thirteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the first section of "An act for the government of persons in certain fisheries," approved on the nineteenth of June, in the year one thousand eight hundred and thirteen, shall extend and apply to the master or skipper and seamen of vessels of the burthen of twenty tons or upwards, qualified according to law for carrying on the mackeral fisheries, bound from a port in the United States to be employed in such fisheries, in the same way as if such fis eries had been embraced in said act: *Provided*, That the agreement named in said section shall be duly made, indorsed and countersigned.

Approved, March 3, 1865.

AN ACT to incorporate the Colored Union Benevolent Association.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gurden Snowden, Charles Brown, James Wright, Sandy Alexander, Henry Logan, Charles Wilson, Henry Brooks, John Shorter, Joseph Shorter, and their associates and successors, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the Colored Union Benevolent Association, located in the city of Washington, and by its corporate name said association shall have perpetual succession with power to sue and be sued, to implead and be impleaded, in any court of the United States or of the District of Columbia, of competent jurisdiction: to receive subscriptions, gifts and benefits, and to make such rules and by-laws as shall be deemed necessary and expedient for the government of the association, and to alter the same, from time to time, in such mode as shall be prescribed therein: *Provided, always*, That such rules and by-laws shall be in nowise inconsistent with the constitution and laws of the United States, or with the objects of the association. The objects of the association are hereby declared to be to provide for the care and comfort of such members as shall be sick, disabled, or dependent, and of the families of such members, in cases where the proper officers of the association shall deem it expedient, and also to provide for the decent interment of such persons as may die in consequence of the association or belonging to the families of such members.

SEC. 2. *And be it further enacted*, That said association shall have power to hold real estate, or personal and mixed estate, by purchase, gift, or devise, for the purposes of such association and no other, and to lease, sell, or convey such real estate, or mixed estate, or personal property, as may be devised or donated to such association, and the leasing or sale of which will promote the interests of said association.

SEC. 3. *And be it further enacted*, That Congress shall have the right at any time, to modify, amend or repeal this act.

Approved, March 3, 1865.

AN ACT to amend an Act entitled "An Act to incorporate the Metropolitan Railroad Company in the District of Columbia."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July first, eighteen hundred and sixty-four, be, and the same hereby is, amended as hereinafter set forth, namely, that the first section be, and hereby is, amended by striking out all after the words "along H street north to Seventeenth street west, intersecting the double-track road," and inserting: also a double or single track railway, commencing at the intersection of D street north and Four-and-a-half street west, along Four-and-a-half street west to the gate of the arsenal; also a double or single track branch railway, commencing at the intersection of Ninth street west and the Washington canal, along Ninth street west to M street north, along M street north to Twelfth street west, and along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River; also a double or single track branch railway, commencing at the intersection of Massachusetts avenue and H street north, along Massachusetts avenue to K street north, along K street north to the circle, with the privilege of extending the said branch road at any time along K street north to Rock creek, across the bridge over Rock creek to Water street, Georgetown, along Water street in Georgetown to Green street, along Green street to Gay street, and along Gay street and First street to Fayette street, Georgetown, with the privilege of extending at any time the road now in operation from Seventeenth street west to the Capitol, from the present terminus of said road on A street north, along A street north to First street east, along First street east to East Capitol street, along East Capitol street to Ninth street east, along Ninth street east to L street south, with the right to run public carriages thereon, drawn by horse power, receiving therefor a rate of fare not exceeding eight cents per passenger, for any distance between the termini of either of the said main railways, or between the termini of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

SEC. 2. *And be it further enacted*, That section eighteen be, and hereby is, amended by striking out the words "one hundred thousand dollars," and inserting the words, "one million dollars": *Provided*, That the directors of said Metropolitan Railroad Company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, in such manner, and in such instalments as they may deem proper; and if any stockholders shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for and collect the same in any court of competent jurisdiction.

SEC. 3. *And be it further enacted*, That section seventeen be, and hereby is, so amended as to allow the said corporation three years from the date of the approval of this act in which to complete the railways herein described and those described in the act to which this is an amendment.

SEC. 4. *And be it further enacted*, That the twenty-second be, and hereby is, amended by striking out the words "at the rate of twenty-five for one dollar," and inserting the words "at the rate of sixteen for the dollar."

SEC. 5. *And be it further enacted*, That the provision prohibiting any exclusion from any car on account of color, already applicable to the Metropolitan Railroad, is hereby extended to every other railroad in the District of Columbia.

Approved, March 3, 1865.

AN ACT to incorporate the Continental Hotel Company of the City of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lewis Delmonico, of New York City, B. B. French, Henry D. Cooke, John W. Forney, of Washington City, Stephen Flanagan, William Overfield, Jr., J. Warren Brown, of Maine, Thornton Smith, George D. Kellogg, and George Plowman, of Philadelphia, and their associates, and all persons who now or hereafter may be holders of the stock hereinafter mentioned, shall be, and they are hereby, declared to be constituted a body politic or corporate by the style of the Continental Hotel Company, to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and to have, hold, receive, enjoy, and take, either by absolute conveyance in fee simple or upon ground rent, and in case of a conveyance upon ground rent with power to execute the necessary covenant for securing the payment thereof, such real estate as may be necessary or proper for the construction of a hotel in the city of Washington, with such supplementary buildings as may be adapted to and form part of the general plan and design thereof, with power to furnish and equip the same for the accommodation and use of any parties who may be desirous of renting and occupying the same, and the real estate, or any part thereof, when in the opinion of said corporation it may be proper to do so, to sell and to convey to any person or persons who may be desirous of purchasing the same furniture and equipment thereof.

SEC. 2. [*And, be it further enacted*,] That the capital stock of said corporation shall not exceed two million dollars, divided into twenty thousand shares of one hundred dollars each, and that it shall be held as personal property, and may be transferred under such regulations as the corporators shall judge convenient.

SEC. 3. *And be it further enacted*, That a general meeting of the corporators shall be annually held on the second Monday of January, for the election of five managers, and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, one week's public notice thereof being first given in at least two daily newspapers in the city of Washington.

SEC. 4. *And be it further enacted*, That the election of managers shall be by ballot from among the corporators, and that in the enactment of by-laws for the government of the corporation and its officers, and in the decision of all questions, whether of election of officers or disfranchisement of corporators, either because of their delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all questions at the meetings of the corporation, the corporators present, either in person or by proxy, shall severally vote once for each share of stock held by them.

SEC. 5. *And be it further enacted*, That the managers shall continue in office until their successors are elected; they shall elect a president from among themselves, supply vacancies in their number, whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except in far as may be otherwise provided by the corporators. Three members shall be a quorum at these meetings.

SEC. 6. *And it be further enacted*, That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be managers of the said corporation, and shall have power and authority as such.

SEC. 7. *And be it further enacted*, That Congress may at any time hereafter alter, amend, or repeal this charter.

Approved, March 3, 1865.

AN ACT providing for the Confinement of juvenile Offenders against the Laws of the United States in Houses of Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime by any court of the United States, the punishment whereof shall be imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Secretary of the Interior, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such shall have occurred; or if such conviction be had in the District of Columbia, then, and in such case, the transportation and delivery shall be by the warden of the jail of said district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Secretary of the Interior, out of the judiciary fund.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and employment of all such juvenile offenders, and to give the several courts of the United States and of the District of Columbia notice of the place to be provided for the confinement of said offenders, and such offenders shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Secretary of the Interior.

Approved, March 3, 1865.

AN ACT to amend an Act entitled "An Act to provide for the better Organization of Indian Affairs in California."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of enabling the Secretary of the Interior to pay the settlers in Hoopa Valley, California, for their improvements on the Indian reservation therein: *Provided*, That before the same or any part of the money hereby appropriated shall be paid, the said improvements shall be appraised by the superintendent of Indian affairs, the Indian agent at said reservation, and the surveyor-general of California; and if, in the opinion of the Secretary of the Interior, their appraisement shall be reasonable, and shall not in the aggregate exceed the sum herein appropriated, the said Secretary is hereby authorized to apply the same, or so much thereof as may be necessary, in payment for the said improvements, taking the proper releases therefor: *And provided, further*, That the moneys hereby appropriated be reimbursed from the proceeds of the sales of Indian reservations in said State under the provisions of the act to provide for the better organization of Indian affairs in California, approved April eight, eighteen hundred and sixty-four.

Approved, March 3, 1865.

AN ACT authorizing the Secretary of the Treasury to lease or sell certain Property of the United States situated at Bath, in the State of Maine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to lease the wharf property belonging to the United States situated at Bath, in the State of Maine, for a term of years, the lessee making all repairs thereupon; or he may sell the same at his discretion if it is no longer in use or required for the public service, and he is hereby authorized to make, execute, and deliver all needful conveyances to the purchaser or purchasers thereof.

Approved, March 3, 1865.

AN ACT to increase the pay of Midshipmen and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That midshipmen, after their final academic examination and until their promotion to the grade of ensign, shall be paid at the rate of eight hundred dollars per annum, while on sea service.

SEC. 2. *And be it further enacted*, That acting masters' mates shall be styled mates, and the Secretary of the Navy is hereby authorized to increase their pay to a sum not exceeding sixty dollars per month.

SEC. 3. *And be it further enacted*, That hereafter mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen, who have enlisted in the naval service for not less than two years, and such rating of an enlisted man, or his appointment as an officer, shall not discharge him from his enlistment.

SEC. 4. *And be it further enacted*, That no person appointed or rated an officer or clerk in the navy shall receive any bounty while holding an appointment.

SEC. 5. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

SEC. 6. *And be it further enacted*, That acting passed assistant surgeons and acting surgeons may be appointed in the same manner as acting assistant surgeons are now appointed, who shall receive the compensation of their respective grades.

Approved, March 3, 1865.

AN ACT to incorporate the "Capitol Hotel Company," in Washington City, District of Columbia."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles C. Little and A. C. Washburn, of Boston, in the State of Massachusetts; George Folsom, Charles A. Stetson, and Frank Moore, of New York city, in the State of New York; and Z. C. Robbins, of Washington, in the District of Columbia, and their associates and successors, be, and they are hereby, incorporated and made a body corporate, by the name of "The Capitol Hotel Company," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, of competent jurisdiction, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation, for the purpose of establishing and maintaining in said city of Washington, building or buildings for a hotel, with rooms, shops, and offices, to be used therefor and therewith; and they may purchase and hold real and personal estate required and convenient therefor; and may, after construction thereof, sell, convey, or lease, and receive rent therefor, in whole or in part, as they may choose and find for the interest of said corporation.

SEC. 2. *And be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one million five hundred thousand dollars, and that the stock shall be divided into shares of one thousand dollars each, and shall be deemed personal property, transferable in such manner as the said corporation by its by-laws may direct.

SEC. 3. *And be it further enacted*, That the government and direction of the affairs of the corporators shall be invested in a board of directors, not less than five in number, who shall be elected by the stockholders at their annual meeting, which shall be held on the first Monday of May in each year, from among the corporators and their associates and successors, in such manner as the by-laws of said corporation may direct.

SEC. 4. *And be it further enacted*, That the said corporation shall have full power to make and prescribe such by laws, rules, and regulations as they may deem needful and proper for the disposition and management of the stock, property, estate, and effects of the corporation, not contrary to the charter or to the laws of the United States and the ordinances of the city of Washington, and shall have power to alter or amend the same, from time to time, as the interests of the corporation, in their opinion, may require.

SEC. 5. *And be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of Congress.

Approved, March 3, 1865.

AN ACT extending the Time for the Completion of certain Land-grant Railroads in the States of Minnesota and Iowa, 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 quantity of lands granted to the State of Minnesota, to aid in the construction of certain railroads in said State, as indicated in the first section of an [act] entitled "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said State;" approved March third, eighteen hundred and fifty-seven, shall be increased to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in such act and subsequent acts, and as hereinafter provided.

SEC. 2. *And be it further enacted*, That the first proviso in the first section of the act aforesaid shall be so amended as to read as follows, to-wit: *Provided*, That the land to be so located shall in no case be further than twenty miles from the lines of said roads and branches, to aid in the construction of each of which said grant is made; and said lands granted shall, in all cases, be indicated by the Secretary of the Interior.

SEC. 3. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operations of this act, except so far as may be found necessary to locate the route of said road through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States: *Provided, further*, That any lands which may have been granted to the Territory or State of Minnesota for the purpose of aiding in the construction of any railroad, which lands may be located within the limits of this extension of said grant or grants, shall be deducted from the full quantity of lands hereby granted, and that any land, which may have been so granted shall be strictly applied in accordance with the terms and conditions of said act or acts, unless subsequently modified by law.

SEC. 4. *And be it further enacted*, That the sections and parts of sections of land, which by said acts and this grant shall remain to the United States, within ten miles on each side of said roads and branches, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided*, That actual bona fide settlers under the pre-emption laws of the United States may, after the proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price: *And, provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the legislature of the State of Minnesota, for the purposes aforesaid, and no other. And the said railroads and branches shall be and remain public highways for the use of the government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

SEC. 6. *And be it further enacted*, That the lands hereby and heretofore granted to said Territory or State of Minnesota shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner, as a first-class railroad, and the said secretary shall be satisfied that said State has complied in good faith with this requirement, the said Secretary of the Interior shall issue to the said State patents for all the lands granted and selected as aforesaid, not exceeding ten sections per mile, situated opposite to and within a limit of twenty miles of the line of said section of ten miles thus completed, extending along the whole length of said completed section of ten miles of road, and no further. And when the governor of said State shall certify to the Secretary of the Interior, and the secretary shall be satisfied that another section of said road, ten consecutive miles in extent, connecting with the preceding section or with some other first-class railroad, which may be at the time in successful operation, is completed as aforesaid, the said Secretary of the Interior shall issue to the said State patents for all the lands granted and situated opposite to and within the limit of twenty miles of the line of said completed section of road or roads, and extending the length of said section, and no further, not exceeding ten sections of land per mile for all that part of said road thus completed under the provisions of this act, and the act to which this is an amendment, and so, from time to time, until said roads and branches are completed. And when the governor of said State shall so certify, and the Secretary of the Interior shall be satisfied that the whole of any one of said roads and branches is completed in a good, substantial, and workmanlike manner, as a first-class railroad, the said Secretary of the Interior shall issue to the said State patents to all the remaining lands granted for and on account of said completed road and branches in this act, situated within the said limits of twenty miles from the line thereof, throughout the entire length of said road and branches: *Provided*, That no land shall be granted or conveyed to said State under the provisions of this act on account of the construction of any railroad or part thereof that has been constructed under the provisions of any other act at the date of the passage of this act, and adopted as a part of the line of railroad provided for in this act: *And provided*, That nothing herein contained shall interfere with any existing rights acquired under any law of Congress heretofore enacted making grants of land to the State of Minnesota to aid in the construction of railroads: *And provided, further*, That said lands, granted by this or prior acts, shall not in any manner be disposed of, except as the same are patented under the provisions of this act; and should the State fail to complete any one of said roads or branches within eight years after the passage of this act, then the said lands undisposed of as aforesaid, granted on account of said road or branches, shall revert to the United States.

SEC. 7. *And be it further enacted*, That as soon as the governor of the said State of Minnesota shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said road and branches, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

SEC. 8. *And be it further enacted*, That the United States mail shall be transported on said road, under the direction of the Post-Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law, the Postmaster-General shall have power to fix the rate of compensation.

SEC. 9. *And be it further enacted*, That the provisions of this act shall also be construed so as to apply and extend to that portion of the line authorized to be vacated by the joint resolution approved July twelfth, eighteen hundred and sixty-two, entitled "A joint resolution authorizing the State of Minnesota to change the line of certain branch railroads in said State, and for other purposes," notwithstanding the vacation thereof by said State, as though said joint resolution had not passed, and also to the line adopted by said State, in lieu of the portion of the line so vacated.

SEC. 10. *And be it further enacted*, That the time mentioned in an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," for the completion of the railroads named in said act, be, and the same is hereby, extended two years.

SEC. 11. *And be it further enacted*, That the last clause of the second section of an act entitled "An act to regulate the compensation of registers and receivers of the land-offices in the several States and Territories, in the location of lands by States and corporations under general grants from Congress, and for other purposes," be, and the same is hereby, so amended as to read: "A map of the change shall be filed with the commissioner of the office within three months after the said change of location shall be made."

Approved, March 3, 1865.

AN ACT to regulate the Taking of Depositions in certain Cases.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any defendant in a criminal case, in the District of Columbia, either after preliminary examination, indictment, or information, may examine witnesses on commission in such manner as is hereinafter prescribed.

SEC. 2. *And be it further enacted*, That a defendant wishing to take the deposition of a witness residing more than one hundred miles from the city of Washington may select any of the following officers as a commissioner to take such deposition: the clerk or judge of any court of record, or any notary public, or any consul of the United States, either by the name of office of such officer, or by his individual name and official style; and the name of the court of which such constituted commissioner is clerk or judge, and the name of the State and county, or if without the United States the name of the State and town, or city, in which such notary or consul resides must be stated in the notice and in the commission.

SEC. 3. *And be it further enacted*, That five days' notice must be given by a defendant, or his or her attorney, of the time when a commission will be sued out of the office of the clerk of the criminal court for the District of Columbia for taking the deposition of the witness, (giving the name of the witness,) which notice must be accompanied with a copy of the interrogatories to be asked such witness.

SEC. 4. *And be it further enacted*, That at or before the time fixed in the notice, the district attorney may file cross-interrogatories; but if he fail so to do, the clerk shall, of his own motion, [illegible]

1. Are all of your statements in the foregoing answers made from your personal knowledge; and if not, do your answers show what are made from your personal knowledge, and what from information, and the source of that information? If not, now show what is from information, and give its source.

2. State everything you know concerning this case favorable to either the government or the defendant.

SEC. 5. *And be it further enacted*, That the notice and copy of interrogatories may be served and returned in the same manner and by the same officers or persons as is provided by law for the service and return of a summons or subpœna in civil actions within the District of Columbia.

SEC. 6. *And be it further enacted*, That the commission shall issue in the name of the criminal court, and under its seal, and must be signed by the clerk, and shall contain nothing but the authority conferred upon the commissioner and instructions to guide him, a statement of the cause in which the testimony is to be used, and a copy of all the interrogatories filed appended.

SEC. 7. *And be it further enacted*, That the person before whom any of the depositions above contemplated are taken must cause the interrogatories appended to the commission to be written out, and the answers thereto to be inserted immediately underneath the respective questions; the whole, when completed, being read over by or to the witness, must be by him or her subscribed and sworn to in the usual manner.

SEC. 8. *And be it further enacted*, That all exhibits produced before the person taking the deposition, or proved or referred to by any witness, or correct copies thereof, must be appended to the depositions, and returned with them, unless sufficient reasons be shown for not so doing.

SEC. 9. *And be it further enacted*, That the person taking the deposition shall attach his certificate thereto, stating that it was subscribed and sworn to by the deponent at the time and place therein mentioned; the whole, including the commission and interrogatories, must then be sealed up and returned to the clerk of the criminal court of the District of Columbia, by mail, unless the defendant and the district attorney agree upon some other mode; and, when received by said clerk, he shall open the package and place the deposition on file in his office.

SEC. 10. *And be it further enacted*, That unimportant deviations from any of the above directions shall no cause deviations from any of the above directions shall no cause the deposition to be excluded where no substantial prejudice could be wrought to the government by such deviation.

SEC. 11. *And be it further enacted*, That, subject to the regulations hereinbefore contained, the court may establish further rules for taking depositions and all other acts connected therewith.

Approved, March 3, 1855.

AN ACT supplemental to the Act approved first July, eighteen hundred and sixty-four, "for the Disposal of Coal Lands and of Town Property in the Public Domain."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of any citizen of the United States who, at the passage of this act, may be in the business of bona fide actual coal-mining on the public lands, except on lands reserved by the President of the United States for public uses, for purposes of Commerce, such citizen, upon making proof satisfactory to the register and receiver to that effect, shall have the right to enter, according to legal subdivisions, a quantity of land not exceeding one hundred and sixty acres, to embrace his improvements and mining premises, at the minimum