

From Junction City, up Lynn Creek, to Marion Centre, in Marion County.

From Eureka, in Greenwood County, to Albany, in Wilson County.

From Neosha Falls to Albany, Wilson County.

From Washington, via Hadden, to Salt Marsh, in Republic County.

From Garnett, in Anderson County, to Fort Scott, in Bourbon County.

From America, in Jackson County, via Seneca, to Pawnee, in Nebraska.

From Humboldt, in Allen County, to Catholic Mission, in Neosha County.

From Humboldt, via Grey Stone, to Albany, in Wilson County.

From Seneca, Nehema County, via Pleasant Valley, Nebraska, to Miles Ranch, in Richardson County.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CV. — *An Act extending the Time for the Completion of certain Land-grant Railroads in the States of Minnesota and Iowa, and for other Purposes.*

Additional land granted to Minnesota for railroads.

1857, ch. 99.
Vol. xi. p. 195.

Lands granted to be taken within twenty miles of the road.

Lands before reserved excepted from this act, except, &c.

Lands granted to the state for railroads included in this grant to be deducted.

Remaining lands not to be sold for less than double the minimum price.

To be first offered at public sale.

Bona fide settlers may purchase.

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 said 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 lands 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 preëmption 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.

Settlers under homestead act.

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.

Lands granted to be disposed of by the legislature of Minnesota.

Railroads to be public highways.

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 road 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.

Mode of disposing of the lands.

Patents to issue from time to time as portions of the road are built, &c.

Lands not to be conveyed for certain roads.

Existing rights not interfered with.

Lands not to be disposed of except as patented under this act.

When to 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

Lands to be withdrawn from

market as soon as maps of road, &c., are filed.

Mails to be transported.

This act to apply to portion of line vacated, &c.

Vol. xii. p. 624.

Time for completing certain roads in Iowa extended.

1856, ch. 28, § 4.

Vol. xi. p. 10.

Maps of change of location of Burlington and Missouri River Railroad to be filed in three months.

1864, ch. 196, § 2.

Ante, p. 335.

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 general land-office within three months after the said change of location shall be made."

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CVI. — *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 commission[er] 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 file the following:—

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

Defendants in criminal cases in the District of Columbia may have commissions to take testimony.

Who to be commissioner.

Commission to state what.

Notice to district attorney.

Cross-interrogatories by district attorney, or by clerk.