seventy-two; and all other pensions provided by law, four hundred and eighty thousand dollars: *Provided*, That the appropriation aforesaid for navy pensions, and the other expenditures under that head, shall be paid from the income of the navy pension fund, so far as the same may be sufficient for that purpose.

Navy pensions to be paid from income of navy pension-fund.

APPROVED, January 10, 1873.

Jan. 10, 1873.

1851, ch. 11. Vol. ix. p. 568.

CHAP. XXIV. — *An Act supplemental to and amendatory of an Act entitled "An Act to prescribe the Mode of obtaining Evidence in Cases of contested Elections," approved February nineteen, eighteen hundred and fifty-one.*

In contested election cases testimony to be taken within ninety days, and in what order.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days; the returned member during the succeeding forty days; and the contestant may take testimony in rebuttal only during the remaining ten days of said period. Such testimony in rebuttal may be taken on five days' notice. Testimony may be taken at two or more places at the same time.

Notice, and places.

Depositions may be taken, before whom;

SEC. 2. Depositions of witnesses residing outside of the district and beyond the reach of a subpœna may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.

notice to the opposite party to state what and how to be served.

SEC. 3. That the party desiring to take a deposition or depositions under the provisions of this act, or of the act to which this is an amendment, shall give the opposite party notice, in writing, of the time and place, when and where, the same will be taken, as well as of the name of the witness or witnesses to be examined, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney of his authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service cannot be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. And the taking of the testimony may, if so stated in the notice, be adjourned from day to day. The notice, with the proof or acknowledgment of the service thereof, shall be attached to the depositions when completed. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the deposition shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone. It shall be competent for the parties, their agents, or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; and it shall also be competent for them, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions; and every such officer so chosen by the parties, their agents or attorneys, and officiating, shall have all the powers in the premises that are conferred by the act to which this is an amendment upon the officers named therein. At the taking of any deposition under this act, or the act to which this is

Adjournments of taking testimony.

Notice, &c., to be attached to deposition.

Party notified may select an officer to officiate with the one named in the notice.

Proceedings in such cases.

Parties may consent in writing to take depositions without notice;

or before certain officers.

The written consent to be returned with the deposition.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

an amendment, either party may appear and act in person, or by agent or attorney.

Parties may appear personally or by attorney.

SEC. 4. All officers taking testimony to be used in a contested election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify the same, and carefully seal and immediately forward the same by mail addressed to the clerk of the House of Representatives of the United States, Washington, D. C.; and shall also endorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such endorsement. Upon the written request of either party the clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

Officers taking testimony to send the same when completed, by mail, under seal, to the clerk of the House of Representatives, with indorsement.

Depositions, how to be opened, &c.

Copies.

APPROVED, January 10, 1873.

CHAP. XXV.—*An Act for the Extension of Time to the Winona and Saint Peter Railroad Company for the Completion of its Road.*

Jan. 10, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time for the completion of the railroad from Winona, in the State of Minnesota, via Saint Peter, to a point on the Big Sioux River, south of the forty-fifth parallel of north latitude, as limited in the act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Iowa and Minnesota," approved March third, eighteen hundred and sixty-five, be extended for six months from the expiration of the time limited in the said act; and if completed within said six months, the said railroad shall be entitled to the benefit of the several provisions of said act, in the same manner as if said road had been fully completed within the time therein mentioned

Time for completion of the Winona and St. Peter Railroad extended.

1865, ch. 105. Vol. xiii. p. 526.

APPROVED, January 10, 1873.

CHAP. XXXII.—*An Act to release to the State of Indiana the Lands known as the Bed of Beaver Lake, in Newton County, in said State.*

Jan. 11, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands in Newton county in the State of Indiana, known as the bed of Beaver Lake, the same having been drained and reclaimed at the expense of the State of Indiana and its assignees be, and the same are hereby, released and quit-claimed to the State of Indiana.

Certain lands in Newton county, Indiana, released to that State.

APPROVED, January 11, 1873.

CHAP. XXXIII.—*An Act authorizing the East Chester National Bank of Mount Vernon to change its Location and Name.*

Jan. 11, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the East Chester National Bank of Mount Vernon, now located in the village of Mount Vernon, county of Westchester, and State of New York, is hereby authorized to change its location to the city of Evansville, county of Vanderburgh, and State of Indiana. Whenever the stockholders, representing three-fourths of the capital of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the comptroller of the currency; and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on, and its general business conducted, in the city of Evansville, Indiana.

East Chester National Bank of Mount Vernon may change its location and name.

Proceedings.