

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. CVL. — *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.

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 subpoena in civil actions within the District of Columbia. Service of notice and copy of interrogatories.

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 need 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. Commission, how to issue, and what to contain.

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. Duties of the commissioner.

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. Exhibits to be appended.

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. Commissioner to attach his certificate.
Contents of certificate.
Return.

SEC. 10. *And be it further enacted*, That unimportant deviations from any of the above directions shall not cause the deposition to be excluded where no substantial prejudice could be wrought to the government by such deviation. Substantial compliance with directions to be sufficient.

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. Court may establish further rules.

APPROVED, March 3, 1865.

CHAP. CVII. — *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."* March 3, 1865.
1864, ch. 205.
Ante, p. 343.

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 price of twenty dollars per acre, fixed in the coal and town property act of first July, eighteen hundred and sixty-four: *Provided*, That where the mining improvements and premises are on land surveyed at the passage of this act, a sworn declaratory statement descriptive of the tract and premises, showing also the extent and character of the improvements, shall be filed Citizens actually engaged in coal mining on public lands may enter 160 acres, at \$20 an acre.

Description of premises, when to be filed.