

time of one year in which to make final proof and payment from the time additional to at which such pre-emptions are required to be paid for by the present <sup>make final proof,</sup> laws. <sub>&c.</sub>

APPROVED, May 9, 1872.

CHAP. CXLV. — *An Act for the Relief of Purchasers of Lands sold for direct Taxes in the insurrectionary States.* May 9, 1872.

*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 land 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.

Lands in insurrectionary States sold for direct taxes not to be recovered in proceedings against the purchasers, &c., without showing, &c.  
1862, ch. 98.  
Vol. xii. p. 422.  
1863, ch. 21.  
Vol. xii. p. 640.  
1865, ch. 87.  
Vol. xiii. p. 501.

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.

Purchasers, evicted from such lands, by, &c., through failure of title, to be repaid their purchase-money, if, &c.  
[Amended.  
1872, ch. 337, § 9.  
Post, p. 332.]

APPROVED, May 9, 1872.

CHAP. CXLVI. — *An Act to perpetuate Testimony in the Courts of the United States.* May 9, 1872.

*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 the 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

Depositions de bene esse in civil cases in United States courts to be taken upon what notice; 1789, ch. 20, § 30.  
Vol. i. p. 83;

in cases in rem;

where there is no attorney of record.

Power of court

not limited here- affect the power of any such court to cause testimony to be taken under  
by. commission, according to the course of the common law, to be used therein.  
APPROVED, May 9, 1872.

May 9, 1872. CHAP. CXLVII. — *An Act to regulate Elections in Washington and Idaho Territories.*

Times of elec-  
tions in Wash-  
ington and Idaho  
Territories.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That elections in the Territories of Washington and Idaho for delegates to the House of Representatives of the forty-third Congress, shall be held on the Tuesday following the first Monday of November, anno Domini eighteen hundred and seventy-two, and thereafter biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of said Territories.  
APPROVED, May 9, 1872.

May 9, 1872. CHAP. CXLVIII. — *An Act authorizing the Appropriation for the Employment of Surfmen at alternate life-saving Stations on the New Jersey Coast, for the fiscal Year ending June thirtieth, eighteen hundred and seventy-two, to be expended in employing Crews at such Stations, and for such Periods, and at such Compensation, as the Secretary of the Treasury may deem reasonable, not to exceed forty Dollars per Month for each Person employed.*

Appropriation  
for pay of surf-  
men at life-  
saving stations  
on the New-  
Jersey coast.

1871, ch. 114.  
Vol. xvi. p. 496.

*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 be authorized to expend the sum of ten thousand and eighty dollars, or so much thereof as may be necessary, appropriated by "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-two, and for other purposes," approved March third, eighteen hundred and seventy-one, for the "pay of six experienced surfmen to man each of the boats at alternate life-saving stations on the New Jersey coast, from December fifteenth to March fifteenth," in employing crews of experienced surfmen at such stations, and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person to be employed.  
APPROVED, May 9, 1872.

May 9, 1872. CHAP. CXLIX. — *An Act for the Relief of Settlers on the Osage Lands in the State of Kansas.*

Osage Indian  
trust, &c., lands  
in Kansas, ex-  
cept, &c., to be  
subject to sale to  
whom, for what  
and how.

Claimants,  
when to file state-  
ments and make  
payments.

Actual settlers  
who have not  
paid for and en-  
tered their lands,  
when to file state-  
ments and make  
payments.  
1870, ch. 296, § 12.  
Vol. xvi. p. 362.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Osage Indian trust and diminished reserve lands in the State of Kansas; excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land Office; *Provided,* That claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township plat in the district office where such plat is not on file at date of settlement.

SEC. 2. That any actual settler upon these lands who may have failed to pay for and enter the land settled upon by him under the act of July fifteenth, eighteen hundred and seventy, shall have three months from the date of this act in which to file his declaratory statement, and shall be required to prove up his claim and pay for the land before the first day of January, eighteen hundred and seventy-three. And in case of failure of any party to comply with the provisions of this act, the land claimed by him or her shall be subject to the settlement and entry of any other quali-