

**CHAP. 394.**—An Act To amend the Act of Congress of March eleventh, nineteen hundred and two, relating to homesteads.

March 4, 1904.  
[H. R. 8435.]

[Public, No. 37.]

*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 amend section twenty-two hundred and ninety-four of the Revised Statutes of the United States," approved March eleventh, nineteen hundred and two, be, and the same is hereby, amended to read as follows:

Public lands.  
Vol. 32, p. 63, amend-  
ed.

Post, p. 64.

"That section twenty-two hundred and ninety-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

R. S., sec. 2294, p. 421,  
amended.

"**SEC. 2294.** That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone Acts, may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken out of the county in which the land is located the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take said affidavits, proofs, and oaths in the land districts in which the lands applied for are located; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver, shall be as follows:

Judicial officers be-  
fore whom affidavits,  
etc., may be made.

County and parish  
added.  
*Provido.*  
Affidavits taken out  
of county.

Force and effect of  
affidavits.

Penalty for false  
swearing.

Fees for entries, etc.

" For each affidavit, twenty-five cents.

" For each deposition of claimant or witness, when not prepared by the officer, twenty-five cents.

" For each deposition of claimant or witness, prepared by the officer, one dollar.

" Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding one hundred dollars."

Penalty for excess-  
ive fees.

Approved, March 4, 1904.

**CHAP. 395.**—An Act To provide for appeals, writs of error, and other appellate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas.

March 4, 1904.  
[H. R. 10145.]

[Public, No. 38.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all appeals, writs of error, and other appellate proceedings which may hereafter be taken or prosecuted from the circuit or district courts of the United States from the courts at Beaumont, Jefferson County, Texas, in the eastern judicial district of Texas, to the court of appeals of the fifth circuit shall be

United States courts.  
Texas eastern judi-  
cial district.  
Appeals from Beau-  
mont to be heard at  
New Orleans.

*Proviso.*

Injunctions.

heard and disposed of by said court of appeals at the terms of court held in the city of New Orleans, in the State of Louisiana: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit in cases of injunctions and in all other cases which under the statutes and the rules or in the opinion of the court are entitled to be brought to a speedy hearing.

Approved, March 4, 1904.

March 5, 1904.  
[H. R. 13290.]

[Public, No. 39.]

District of Columbia.  
Appropriation to  
clear Potomac River  
of ice.  
*Ante*, p. 6.

**CHAP. 396.**—An Act Making an appropriation for clearing the Potomac River of ice.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of three thousand dollars is hereby appropriated, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, for clearing the Potomac River of ice within the District of Columbia.

Approved, March 5, 1904.

March 7, 1904.  
[H. R. 19.]

[Public, No. 40.]

Indian Territory,  
Southern judicial  
district.  
Terms of court at  
Marietta.  
Vol. 28, p. 694.

Recording district  
No. 26.

Marietta.

Vol. 32, p. 841.

Repeal.

**CHAP. 405.**—An Act Establishing a United States court at Marietta, Indian Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory court shall be held in the town of Marietta, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Marietta.

**SEC. 2.** That the territory described in this section shall be known as recording district numbered twenty-six.

“Beginning at a point where range line between ranges two and three west reaches Red River, being the corner of district numbered twenty; thence down Red River with all of its meanderings to the range line between ranges three and four east, being corner of district numbered twenty-one; thence north on said range line to township line between numbers five and six south; thence west on said township line to where it intersects township line between townships two and three west, same being east line of district numbered twenty; thence south on said township line to Red River.” The place of recording in such district shall be at the town of Marietta, and the provisions of the Act of Congress approved February nineteenth, nineteen hundred and three, shall apply to this district where applicable.

**SEC. 3.** That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved, March 7, 1904.

March 9, 1904.  
[S. 3780.]

[Public, No. 41.]

Missouri River,  
Yankton, Norfolk  
and Southern Rail-  
way may bridge, at  
Yankton, S. Dak.

**CHAP. 501.**—An Act Authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, South Dakota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the Yankton, Norfolk and Southern Railway Company, a corporation organized for that purpose under the general corporation laws of the