

**CHAP. 37.**—An act relating to the National Road in the State of Maryland, and to give consent of the United States to a certain act of the general assembly of Maryland in relation to said road. Jan. 30, 1879.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of the United States shall be, and is hereby, given to an act of the general assembly of the State of Maryland, passed at the January session, anno Domini eighteen hundred and seventy-eight, chapter one hundred and fifty-eight, entitled "An act to transfer to the counties of Allegany and Garrett the control of the National Turnpike or United States Road through said counties, and to provide for the maintenance thereof": *Provided,* That this consent shall have no effect in respect of creating or recognizing any duty or liability whatever on the part of the United States. National Road in Maryland.

SEC. 2. That this act shall take effect from and after the date of its passage. Proviso.

Approved, January 30, 1879.

**CHAP. 38.**—An act to amend section nine hundred and ninety-three of the Revised Statutes of the United States for the District of Columbia, so as to make the twenty-second day of February a holiday within said District. Jan. 31, 1879.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section nine hundred and ninety-three of the Revised Statutes of the United States relating to the District of Columbia be, and the same hereby is, amended by adding to the days therein declared to be holidays within the District the twenty-second day of February; and such day shall be a holiday for all the purposes mentioned in said section: *Provided,* That this act shall not apply to the twenty-second day of February, eighteen hundred and seventy-nine. R. S. D. C. 993.  
District of Columbia.  
Washington's birthday a legal holiday.

Approved, January 31, 1879.

**CHAP. 39.**—An act to amend the Revised Statutes of the United States relating to the records and files of district and circuit courts of the United States lost or destroyed. Jan. 31, 1879.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section nine hundred and two of the Revised Statutes of the United States is hereby amended so as to read as follows: R. S. 902.

In any proceedings in conformity with law to restore the records of any court of the United States which have been or may be hereafter lost or destroyed, the notice required may be served on any non-resident of the district in which such court is held anywhere within the jurisdiction of the United States or in any foreign country; the proof of service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal. Restoration of court records.

SEC. 2. That section nine hundred and three of said Revised Statutes is hereby amended so as to read as follows: R. S. 903.

A certified copy of the official return, or any other official paper of the United States attorney, marshal, or clerk, or other certifying or recording officer of any court of the United States, made in pursuance of law, and on file in any department of the government, relating to any cause or matter to which the United States was a party in any such court, the record of which has been or may be lost or destroyed, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original report, return, paper, or other document made to or filed in such court; and in any case in which the names of the parties and the date and amount of judgment or decree shall appear from such return, paper, or document, it shall be lawful for the court in which they are filed to issue the proper process to enforce such decree or judg- Same subject.

ment, in the same manner as if the original record remained in said court. And in all cases where any of the files, papers, or records of any court of the United States have been or shall be lost or destroyed, the files, records, and papers which, pursuant to law, may have been or may be restored or supplied in place of such records, files, and papers, shall have the same force and effect, to all intents and purposes, as the originals thereof would have been entitled to.

R. S. 904.

SEC. 3. That section nine hundred and four of said Revised Statutes be amended so as to read as follows:

Same subject.

That whenever any of the records or files in which the United States are interested of any court of the United States have been or may be lost or destroyed, it shall be the duty of the attorney of the United States for the district or court to which such files and records belong, so far as the judges of such courts respectively shall deem it essential to the interests of the United States that such records and files to be restored or supplied, to take such steps, under the direction of said judges, as may be necessary to effect such restoration or substitution, including such dockets, indices, and other books and papers as said judges shall think proper. Said judges may direct the performance, by the clerks of said courts respectively and by the United States attorneys, of any duties incident thereto; and said clerks and attorneys shall be allowed such compensation for services in the matter and for lawful disbursements as may be approved by the Attorney-General of the United States, upon a certificate by the judges of said courts stating that such claim for services and disbursements is just and reasonable; and the sum so allowed shall be paid out of the judiciary fund.

Approved, January 31, 1879.

Feb. 3, 1879.

**CHAP. 40.**—An act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any committee of either house of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof, proved, before any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken. Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. And such master shall issue subpoenas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request. And he shall also issue subpoenas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire: *Provided*, That the United States shall not be liable for the fees of any officer for serving any subpoena for any private party, nor for the fees of any witness on behalf of such party. Said committee may inform the district attorney of the United States for the district where the testimony is to be taken of the time,

Testimony in private claims before Congress.

How taken.

Form of order.

Notice to private parties.

Subpoenas.

*Proviso.*

Notice to district attorney.