

United States be, and they are hereby, authorized to require before certifying any invoice or invoices under the provisions of the first section of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, satisfactory evidence, either by the oath of the person or persons presenting such invoices or otherwise, that such invoices are correct and true: *Provided*, That in the exercise of the discretion hereby given, the said consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

APPROVED, March 3, 1865.

Consular officers before certifying invoices, may require satisfactory proof of their correctness.

1863, ch. 76.  
Vol. xii. p. 737.

CHAP. CXII. — *An Act amendatory of "An Act to amend an Act entitled 'An Act to promote the Progress of the useful Arts,' approved March three, eighteen hundred and sixty-three."*

March 3, 1865.  
1863, ch. 102.  
Vol. xii. p. 796.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person having an interest in an invention, whether as inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee, as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided in said act, shall have the right to make an application for a patent for his invention the same as in the case of an original application, provided such application be made within two years after the date of the allowance of the original application: *Provided*, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent aforesaid was ordered to issue. This act shall apply to all cases now in the patent-office, and also to such as shall hereafter be filed. And all acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED, March 3, 1865.

Inventors, &c., who failed to pay the final fee, may apply for patents within two years, &c.

Persons who have used, &c., the article not liable in damages. Act to apply to what cases.

CHAP. CXIII. — *An Act to amend the third Section of an Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending the thirtieth day of June, eighteen hundred and sixty-five, and for other Purposes," so far as the same relates to Witnesses in the Courts of the United States.*

March 3, 1865.  
1864, ch. 210. § 3.  
Ante, p. 351.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the third section of an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes," be, and the same hereby is, amended by adding thereto the following proviso: *Provided, further*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with, or statement by the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

APPROVED, March 3, 1865.

In actions by or against executors, &c., neither party shall testify unless, &c.

CHAP. CXIV. — *An Act in Relation to the Naval Observatory.*

March 3, 1865.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the first section of the act of third of August, one thousand eight hundred and forty-eight, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-nine," as requires that the superintendent of the naval observatory at Washington city shall be a captain, commander, or lieutenant in the navy,

Law requiring the superintendent of the naval observatory to be a captain, &c., repealed.  
1848, ch. 121.  
Vol. ix. p. 266.

be, and is hereby, repealed, and no officer of the navy employed as superintendent shall receive other than the shore-duty pay of his grade.

APPROVED, March 3, 1865.

March 3, 1865. CHAP. CXV. — *An Act for the Relief of the Occupants of the Lands of the Ex-mission of San José, in the State of California.*

Rightful occupants of the lands of the ex-mission of San José may enter and purchase the same of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person who has the possession rightfully as against all others except the United States, or, being out of possession, is, as against all others except as aforesaid, entitled to the possession of any portion of the tract of land situate in the county of Alameda, State of California, known as the lands of the ex-mission of San José, as included in the map and survey thereof, made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall have the right, and the right is hereby granted to each and every such person, to enter and purchase of the United States, at the sum or price of one dollar and twenty-five cents per acre, such portion of said tract so rightfully possessed by him, her, or them, or to which he, she, or they may so have such right of possession, whether such person claim the same by conveyance from or under Andres Pico and Juan B. Alvarado, or either of them, or by possession only: *Provided, however,* That any person entitled under this act to a parcel of less than eight acres shall in all such cases pay ten dollars for the same.

Proviso.

Persons desiring the benefit of this act to present survey within one year, and written statement.

Register and receiver to take evidence, &c.

Proviso.

SEC. 2. *And be it further enacted,* That every person claiming any benefit under this act shall, within one year from the passage thereof, present to the register and receiver of the United States land-office at San Francisco a survey or plat of the portion of said tract claimed by him, her, or them, and which shall exhibit the quarter section or sections, or parts thereof, included in said plat, made by or under the direction of the United States surveyor-general for California, and therewith a written statement setting forth the right of such claimant to enter and purchase such portion under the provisions of this act, and whether the said claimant has acquired the alleged title of said Pico and Alvarado, or either of them thereto, or holds by possession only; and thereupon such register and receiver shall, under such rules as may be prescribed by the commissioner of the general land-office, proceed and take, hear, and examine the evidence which may be offered in support of or against such claim, and, upon the proofs being closed, shall determine upon and decide the same: *Provided,* That no decision of said register and receiver shall be final until approved by the commissioner of the general land-office.

Person in whose favor final decision is made to have patent.

SEC. 3. *And be it further enacted,* That the claimant in whose favor final decision has been made, upon paying to the receiver of the land-office at San Francisco for the land embraced in such final decision the sum therefor prescribed in the first section of this act, shall be entitled to a patent for such land from the United States, conveying all the interest of the United States therein to such claimant.

Lines of public surveys to be extended over said lands, when, &c.

SEC. 4. *And be it further enacted,* That upon all proceedings under this act being closed, and upon the appeal, taken to the supreme court of the United States by E. L. Beard and others, claimants of said lands against the United States, being dismissed, or the decree appealed from affirmed, the surveyor-general of the United States for California shall cause the lines of the public surveys to be extended over all portions of said land which shall not have been disposed of under the provisions hereof, and thereafter the same shall be disposed of as in the case of other public lands.

APPROVED, March 3, 1865.