

Feb. 25, 1865.

CHAP. LIX. — *An Act for changing the Time for holding the Circuit Courts in the District of Virginia.*

Terms of circuit courts in the district of Virginia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the circuit courts in the district of Virginia, heretofore holden at Richmond, shall be held at Norfolk, on the first Monday in May and on the fourth Monday of November in each year; and all proceedings and process in or issuing out of the said court which are or may be made returnable to any other times or places appointed for holding the same than those above specified, shall be deemed legally returnable on the days and at the place above specified, and not otherwise; and all suits and other proceedings in said court which stand continued to any other time or place than those above specified, shall be deemed continued to the place and time prescribed by this act, and no other.

APPROVED, February 25, 1865.

Feb. 27, 1865.

CHAP. LXIV. — *An Act providing for a District and a Circuit Court of the United States for the District of Nevada, and for other Purposes.*

State of Nevada to constitute a judicial district.

Judge, attorney, and marshal.

To be part of tenth circuit.

Terms of circuit and district courts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of Nevada shall hereafter constitute one judicial district, and be called the district of Nevada; and for said district a district judge, a marshal, and a district attorney of the United States shall be appointed.

SEC. 2. *And be it further enacted,* That the said district of Nevada shall be attached to and constitute a part of the tenth circuit; and a term of the circuit court of the United States for the said district shall be held in the city of Carson, in the State of Nevada, on the first Monday of March, and on the first Monday of August, and on the first Monday of December of each year; and a term of the district court of the United States for the said district shall be held at the said city of Carson on the first Monday of February, and on the first Monday of May, and on the first Monday of October of each year.

Jurisdiction of district court;

SEC. 3. *And be it further enacted,* That the district court of the United States for the district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction possessed by the other district courts and district judges of the United States, and shall be governed by the same laws and regulations.

of circuit court.

SEC. 4. *And be it further enacted,* That the circuit court of the United States for the said district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction in said district which are vested in said court and said judge in the other districts of the tenth circuit.

Pay of district judge;

SEC. 5. *And be it further enacted,* That the district judge appointed for the district of Nevada shall receive as his compensation the sum of thirty-five hundred dollars a year, payable in four equal instalments, on the first days of January, April, July, and October, of each year.

of district attorney and marshal.

SEC. 6. *And be it further enacted,* That the marshal and district attorney of the United States for said district of Nevada, and also for the district of Oregon, shall severally be entitled to charge and receive for the services they may perform double the fees and compensation allowed by the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-six, eighteen hundred and fifty-three: *Provided,* That the aggregate compensation allowed said officers shall not exceed the amount provided for such officers by said act.

1853, ch. 80.  
Vol. x. p. 161.

Proviso.

Special sessions of circuit courts in Nevada.  
1864, ch. 11.  
*Ante*, p. 4.

SEC. 7. *And be it further enacted,* That the third, fourth, and fifth sections of the act of February nineteenth, eighteen hundred and sixty-four, entitled "An act amendatory of, and supplementary to, an act to provide circuit courts for the districts of California and Oregon, and for other pur-

poses," approved March third, eighteen hundred and sixty-three, shall be applicable to the appointment of special sessions of the circuit courts in the district of Nevada, and to the appointment of clerks and deputy clerks of the circuit courts of the districts of Nevada and Oregon; and that the clerk of the circuit court in the districts of Nevada, Oregon, and California shall be also clerk of the district court in said districts, and shall receive for like services the same fees and compensation which are allowed by law to the clerks of the circuit and district courts of the United States for California: *Provided*, That the clerk in each of said districts shall be allowed by the Secretary of the Interior to retain of the fees and emoluments received by him as clerk of both courts, over and above the necessary expenses of his offices and necessary clerk-hire included, to be audited and allowed by the proper accounting officers of the treasury, only such sum per annum as is now allowed by law to the clerk of one of said courts, and shall pay the remainder into the public treasury, under oath, in the manner and under the regulations now prescribed by law.

1863, ch. 100.  
Vol. xii. p. 794.

Clerks and deputies.

Proviso. Limit to fees retained, &c.

SEC. 8. *And be it further enacted*, That all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States, upon any record from the supreme court of the Territory of Nevada, may be heard and determined by the supreme court of the United States, and the mandate of execution or of further proceedings shall be directed by the supreme court of the United States to the district court of the United States for the district of Nevada, or to the supreme court of the State of Nevada, as the nature of said appeal or writ of error may require, and each of these courts shall be the successor of the supreme court of Nevada Territory as to all such cases, with full power to hear and determine the same, and to award mesne or final process thereon. And from all judgments and decrees of the supreme court of the Territory of Nevada, prior to its admission into the Union as a state, the parties to said judgments and decrees shall have the same right to prosecute appeals and writs of error to the federal courts as they would have had under the laws of the United States if this act had been passed simultaneously with the act admitting said state into the Union: *Provided*, That said appeals shall be prosecuted and said writs of errors sued out at any time before the first day of July, eighteen hundred and sixty-six.

Appeals and writs of error pending in the supreme court of the United States.

Proviso.

SEC. 9. *And be it further enacted*, That no possessory action between individuals in any of the courts of the United States for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are, is in the United States, but each case shall be adjudged by the law of possession.

Possessory actions for the recovery of mining titles.

APPROVED, February 27, 1865.

CHAP. LXVII. — *An Act to revive certain Provisions of the Act entitled "An Act further to provide for the Collection of Duties on Imports and Tonnage," approved March three, eighteen hundred and fifteen, and for other Purposes.*

Feb. 28, 1865.

1815, ch. 94.  
Vol. iii. p. 231.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first sentence of the second section of the act entitled "An act further to provide for the collection of duties on imports and tonnage," approved March three, eighteen hundred and fifteen, to wit: "That it shall be lawful for any collector, naval officer, surveyor or inspector of the customs, as well in any adjoining district as that to which he belongs, to stop, search, and examine any carriage or vehicle of any kind whatsoever, and to stop any person travelling on foot or beast of burden on which he shall suspect there are goods, wares, or merchandise which are subject to duty, or which shall have been introduced into the United States in any manner contrary to law; and if such officer shall stop any goods, wares, or merchandise on any such carriage, vehicle, person travelling on foot or beast of burden, which he shall have

Beasts of burden, carriages, &c., carrying smuggled goods, how may be seized and confiscated.