

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.

probable cause to believe are subject to duty or have been unlawfully introduced into the United States, he shall seize and secure the same for trial," be, and the same is hereby, revived and reënacted; and every such beast of burden, carriage, or vehicle, together with the teams or other motive power, and all the appurtenances used in conveying such goods, wares, or merchandise, shall be subject to seizure and forfeiture in like manner as is by law now provided in regard to such goods, wares, and merchandise; and all fines, penalties, and forfeitures recovered under this act, or in consequence of such seizures, shall be disposed of as is provided in other cases by the ninety-first section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March second, seventeen hundred and ninety-nine; and the last proviso of said ninety-first section is hereby repealed.

1799, ch. 22,
§ 91.
Vol. i. p. 697.

Repeal.

Certain authority of collectors, &c., extended to inspectors of customs.

Vol. i. p. 677.

Persons interested in penalty may be witnesses.

SEC. 2. *And be it further enacted*, That the power and authority given to collectors, naval officers, and surveyors by the sixty-eighth section of the said last-mentioned act be, and the same are hereby, extended to inspectors of the customs; and any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under this or any other law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his or her share or interest in such fine, penalty, or forfeiture.

Search of buildings near boundary line of the United States.

SEC. 3. *And be it further enacted*, That in case any store, warehouse, or other building shall be upon or near the boundary line between the United States and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein or carried through or into the same without payment of duties, and in violation of law, and the collector, deputy collector, naval officer, or surveyor of customs, shall make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offence has been therein committed, such officer shall have the right to search such building and the premises belonging thereto; and if any such goods shall be found therein, the same, together with such building, shall be seized, forfeited, and disposed of according to law, and the said building shall be forthwith taken down or removed. And any person or persons who shall have received or deposited in such building, or carried through the same, any goods, as aforesaid, or shall have aided therein, in violation of law, shall, upon due conviction before any court of competent jurisdiction, be punished by fine not exceeding ten thousand dollars, or by imprisonment not exceeding two years, or by both such fine and imprisonment.

Forfeiture.

Penalty for such smuggling.

Penalty for, increased.

1844, ch. 8, § 1.
Vol. v. p. 653.

SEC. 4. *And be it further enacted*, That the first section of the act of April second, eighteen hundred and forty-four, entitled "An act directing the disposition of certain unclaimed goods, wares, or merchandise, seized for being illegally imported into the United States," be so amended that in place of the word "one," wherever the same may be found in said section, the word "five" shall be inserted.

APPROVED, February 28, 1865.

Feb. 28, 1865.

CHAP. LXVIII. — *An Act making Appropriations for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defence, for the Year ending the thirtieth of June, eighteen hundred and sixty-six.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, eighteen hundred and sixty-six:

Appropriations for fortifications, &c.