

Power and duties. the place and stead, and at any and at all times to discharge any or all the duties required by law of the said treasurer of the United States.

Cashier and assistant. SEC. 2. *And be it further enacted*, That the Secretary of the Treasury of the United States be, and is hereby, authorized to appoint, in addition to the clerks now authorized by law, a cashier, with an annual salary of two thousand four hundred dollars per annum; an assistant cashier, with two thousand four hundred dollars per annum; four chiefs of divisions, with annual salaries of one thousand eight hundred dollars each per annum; and also a messenger, an assistant messenger, and two laborers, in addition to those now allowed, at the compensation now authorized by law.

Salaries. Chiefs of divisions. Salaries. Messenger, assistant, and laborers. Salary of treasurer of the United States, SEC. 3. *And be it further enacted*, That there shall be paid to the treasurer of the United States, in lieu and stead of his present compensation, commencing with and including the first day of July, eighteen hundred and sixty-two, the sum of five thousand dollars per annum; but from which amount there shall be deducted all sums of money heretofore paid to, or received by, the said treasurer, on account of his compensation for services rendered as treasurer of the United States, since and including the day aforesaid, and the income tax on such additional compensation as will have accrued since the first day of September, eighteen hundred and sixty-two; and there shall be paid to the assistant treasurer of the United States an annual compensation of twenty-five hundred dollars.

of assistant treasurer. Appropriations therefor. SEC. 4. *And be it further enacted*, That the compensation of the treasurer, deputy treasurer, clerks, and messengers aforesaid, for the current and next fiscal years, shall be paid out of any money in the treasury not otherwise appropriated. Estimates for all such compensations, after the next fiscal year, shall be submitted by the Secretary of the Treasury with his annual estimates.

Estimates to be submitted. APPROVED, March 3, 1863.

March 3, 1863. CHAP. XC.—*An Act to protect the Liens upon Vessels in certain Cases, and for other Purposes.*

Bona fide claims of loyal citizens, &c., duly established, to be first provided for out of the proceeds of vessels or other property confiscated. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases now or hereafter pending wherein any ship, vessel, or other property, shall be condemned in any proceeding by virtue of the acts* above mentioned, or of any other laws on that subject, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such ship, vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such ship, vessel, or other property, of any bona fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such ship, vessel, or other property, under the laws of the United States or of any loyal state thereof: *Provided*, That no such claim shall be allowed in any case where the claimant shall have knowingly participated in the illegal use of such ship, vessel, or other property: *And provided, also*, That this act shall extend to such claims only as might have been enforced specifically against such ship, vessel, or other property, in any loyal state wherein such claim arose.

When such claim is not to be allowed. To what claims this act extends. APPROVED, March 3, 1863.

March 3, 1863. CHAP. XCI.—*An Act to reorganize the Courts in the District of Columbia, and for other Purposes.*

Supreme court established in the *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established

* Reference is had to the act of July 13, 1861, ch. 3 (*Ante*, p. 255), and to the act of August 6, 1861, ch. 60 (*Ante*, p. 319), which were recited in the title of the bill as reported. When the act was passed, its title was changed, but this clause was not altered.

in the District of Columbia a court to be called the supreme court of the District of Columbia, which shall have general jurisdiction in law and equity. It shall consist of four justices, one of whom shall be denominated as chief justice. These justices shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices during good behavior. Each justice, before he enters upon the duties of his office, shall take the oath prescribed to be taken by judges of the courts of the United States. Any three of said justices may hold a general term, and any one of them may hold a special term, or circuit court, as hereinafter provided. A special term may be held at the same time with a circuit court and by the same justice.

District of Columbia.
Jurisdiction.
Justices.
Appointment and term of office.

Oath.
General term.
Special term.

SEC. 2. *And be it further enacted,* That the said court shall have power to appoint a clerk, who shall take the oath, and give a bond, with sureties, in the manner prescribed by law for clerks of district courts of the United States.

Clerk, bond, sureties.

SEC. 3. *And be it further enacted,* That the supreme court organized by this act shall possess the same powers and exercise the same jurisdiction as is now possessed and exercised by the circuit court of the District of Columbia, and the justices of the court so to be organized shall severally possess the powers and exercise the jurisdiction now possessed and exercised by the judges of said circuit court. Any one of said justices may hold a district court of the United States for the District of Columbia, in the same manner and with the same powers and jurisdiction possessed and exercised by other district courts of the United States. Any one of said justices may also hold a criminal court for the trial of all crimes and offences arising within said district, which court shall possess the same powers and exercise the same jurisdiction now possessed and exercised by the criminal court of the District of Columbia.

Powers and jurisdiction of supreme court.

District court.
Criminal court.

SEC. 4. *And be it further enacted,* That general terms of the said supreme court shall be held at the same times at which terms of the circuit court of the District of Columbia are now required to be held, and at the same place. District courts and criminal courts shall also be held by one of said justices at the several times when such courts are now required by law to be held, and at the same place.

General terms of supreme court.

Terms of district and criminal courts.

SEC. 5. *And be it further enacted,* That special terms of said supreme court shall be held by one of said justices, at such time or times as the said court, in general term, shall appoint. Non-enumerated motions in all suits and proceedings at law and in equity shall first be heard and determined at such special terms. Suits in equity, not triable by jury, shall also be heard and determined at such special terms. But the justice holding such special term may, in his discretion, order any such motion or suit to be heard, in the first instance, at a general term. Any party aggrieved by any order, judgment, or decree, made or pronounced at any such special term, may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term of said supreme court, and upon such appeal the general term shall review such order, judgment, or decree, and affirm, reverse, or modify the same, as shall be just.

Special terms of supreme court.

Appeals to general term.

SEC. 6. *And be it further enacted,* That the said court, in general term, shall adopt such rules as it may think proper to regulate the time and manner of making appeals from the special term to the general term, and may prescribe the terms and conditions upon which such appeals may be made. Such court may also establish such other rules as it may deem necessary for regulation of the practice of the several courts organized by this act, and from time to time revise and alter such rules. It may also determine by rule what motions shall be heard at a special term, as non-enumerated motions, and what motions shall be heard at a general term in the first instance.

Rules for appeals and practice.

SEC. 7. *And be it further enacted,* That all issues of fact triable by a jury or by the court shall be tried before a single justice; when the trial

Trials of issues of fact.

- is by jury, at a circuit court; and when the trial is without a jury, at a circuit court or special term. Issues of law may be tried at a circuit court or special term. At any time after issue, and at least ten days before the sitting of the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least four days before the sitting of the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served; and the clerk shall thereupon enter the cause upon a calendar, according to the date of the issue.
- Issues of law, how tried.**
- Exceptions.** SEC. 8. *And be it further enacted,* That if, upon the trial of a cause, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice, and afterwards settled in such manner as may be provided by the rules of the court, and then stated in writing in a case or bill of exceptions, with so much of the evidence as may be material to the questions to be raised, but such case or bill of exceptions need not be sealed or signed. The justice who tries the cause may, in his discretion, entertain a motion, to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions, or for insufficient evidence, or for excessive damages: *Provided,* That such motion be made at the same term or circuit at which the trial was had. When such motion is made and heard upon the minutes, an appeal to the general term may be taken from the decision, in which case a bill of exceptions or case shall be settled in the usual manner.
- New trials.**
- Proviso.**
- Motion for new trial, &c., to be heard at general term.** SEC. 9. *And be it further enacted,* That a motion for a new trial on a case or bill of exceptions, and an application for judgment on a special verdict or a verdict taken subject to the opinion of the court, shall be heard in the first instance at a general term.
- Writs, &c., how tested.** SEC. 10. *And be it further enacted,* That writs and process issued out of the court hereby organized may be tested in the name of any justice of said court.
- Writs of error and appeals to supreme court of the United States.** SEC. 11. *And be it further enacted,* That any final judgment, order, or decree of said court may be reëxamined and reversed or affirmed in the supreme court of the United States, upon writ of error or appeal, in the same cases and in like manner as is now provided by law in reference to the final judgments, orders, and decrees of the circuit court of the United States for the District of Columbia.
- Appeals from judgments of justices of the peace.** SEC. 12. *And be it further enacted,* That appeals may be made from the judgments of justices of the peace to the court hereby organized in like manner and in the same cases in which such appeals are now allowed to the circuit court of the United States for the District of Columbia. Such appeals shall be heard and decided at a special term.
- Provision for pending process.** SEC. 13. *And be it further enacted,* That all suits and proceedings which, at the time this act takes effect, shall be pending in any of the courts hereby abolished shall be transferred to the courts to be established under the provisions of this act, and may be prosecuted therein with the same effect as they might have been in the court in which the same were commenced. Process issued out of any of said courts shall also be returned to the court hereby established.
- Justices of the peace may be removed on notice, &c.** SEC. 14. *And be it further enacted,* That justices of the peace may be removed by the court to be organized under the provisions of this act at a general term, after due notice, and an opportunity to be heard in their defence, and for causes to be assigned in the order of removal.
- Pay of justices.** SEC. 15. *And be it further enacted,* That the justices to be appointed by virtue of this act shall receive an annual salary of three thousand dollars, to be paid quarterly at the treasury of the United States.
- Circuit, district, and criminal courts of the District of Columbia abolished.** SEC. 16. *And be it further enacted,* That the circuit court, district court, and criminal court of the District of Columbia are hereby abolished. All laws and parts of laws relating to said courts, so far as the same are applicable to the courts created by this act, are hereby con-

tinued in force in respect to such courts, and all other laws and parts of laws relating to said circuit, district, and criminal courts, are repealed.

Saving and repealing clause.

SEC. 17. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, a suitable person, learned in the law, to revise and codify the laws of the District of Columbia.

President may appoint person to codify laws of the District of Columbia.

SEC. 18. *And be it further enacted*, That the person who shall be thus appointed shall receive ten dollars per day for his services whilst so employed, and shall render a final report of his revision and codification to Congress on or before the first day of January next.

Pay, and when to report.

APPROVED, March 3, 1863.

CHAP. XCII. — *An Act to amend "An Act to establish a Court for the Investigation of Claims against the United States," approved February twenty-fourth, eighteen hundred and fifty-five.*

March 3, 1863

1855, ch. 122.
vol. x. p. 612.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice and consent of the Senate, two additional judges for the said court, to hold their offices during good behavior, who shall be qualified in the same manner, discharge the same duties, and receive the same compensation, as now provided in reference to the judges of said court; and that from the whole number of said judges the President shall in like manner appoint a chief justice for said court.

Two additional judges for the court of claims.

SEC. 2. *And be it further enacted*, That all petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the house in which the same are presented or introduced, be transmitted by the secretary of the Senate or the clerk of the House of Representatives, with all the accompanying documents, to the court aforesaid.

All petitions and bills for private claims against the government to be sent to the court.

SEC. 3. *And be it further enacted*, That the said court, in addition to the jurisdiction now conferred by law, shall also have jurisdiction of all set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government against any person making claim against the Government in said court; and upon the trial of any such cause it shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government, it shall *under* [render] judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases herein provided for. Any transcript of such judgment, filed in the clerk's office of any district or circuit court of the United States, shall be entered upon the records of the same, and shall ipso facto become and be a judgment of such district or circuit court, and shall be enforced in like manner as other judgments therein.

Court to consider set-offs, &c., for the government.

If the court finds that the claimant owes the Government, to render judgment therefor.

Transcript of judgment to be entered in district, &c., court, and be enforced like other judgments.

SEC. 4. *And be it further enacted*, That the said court of claims shall hold one annual session, commencing on the first Monday in October in each year, and continuing so long as may be necessary for the prompt disposition of the business of the court. The said court may prescribe rules and regulations for practice therein, and it may punish for contempt, in the manner prescribed by common law. It may appoint commissioners, and may generally exercise such powers as are necessary to carry out the powers herein granted to it. The judges, solicitors, and clerks of said court shall be admitted to the use of the congressional library, and also the law library, until a law library be provided for them. The said court may appoint a bailiff, who shall hold his office during four years, unless sooner removed by said court for cause, and who shall receive a salary of

Annual session to commence 1st Monday in October.

Rules.
Commissioners

Law library.

Bailiff.

Salary