

Seamen already enlisted who will extend the term of their enlistment to three years or for the war, said bounty to be paid at the time of said enlistment.

Seamen already enlisted who will extend the term, to have the benefit of this provision.

APPROVED January 16, 1862.

1862, Jan. 16. CHAP. XLIII.—*An Act supplementary to an act entitled "An act to authorize the appointment of additional officers of the navy," approved December twenty-fourth, eighteen hundred and sixty-one.*

President may appoint officers of the regular navy to any higher grade without prejudice to their position under original appointment.

The Congress of the Confederate States of America do enact, That the President is authorized to appoint officers of the regular navy, to any higher grade under the act above mentioned, without prejudice to their position under their original appointment.

APPROVED January 16, 1862.

1862, Jan. 18. CHAP. XLIV.—*An Act to organize the Territory of Arizona.*

Temporary government of Arizona established.

*The Congress of the Confederate States of America do enact, That all that part of the present Territory of New Mexico, included within the following limits, to-wit: Beginning on the Colorado river, at the parallel of north latitude thirty-four degrees, thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; and thence with said line to the Rio Grande, and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four; thence with the boundary line established by said treaty between the late United States and Mexico to the Colorado river, thence up the Colorado to the place of beginning, be, and the same is hereby, created into a temporary government, by the name of the Territory of Arizona; and nothing in this act shall be so construed as to inhibit the Government of the Confederate States from dividing said Territory into two or more territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the Confederate States; and the institution of slavery in said Territory shall receive all necessary protection, both from the Territorial Legislature and the Congress of the Confederate States: *Provided, also, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Pimos and Maricopas Indians on the Gila river, or the right or claim of the Confederate States to the remainder of the Territory of New Mexico, or to any other territory north of the line of thirty-four degrees north latitude.**

Power to divide said Territory reserved.

Institution of slavery in the Territory to receive necessary protection.

Proviso as to Indians in said Territory.

The executive power to be vested in a Governor; his tenure of office, powers, duties and emoluments.

SEC. 2. *And be it further enacted, That the Executive power and authority in and over said Territory of Arizona, shall be vested in a Governor, who shall hold his office for six years, and until his successor shall be duly appointed and qualified, unless sooner removed by the President of the Confederate States. The Governor shall reside within said Territory, at the seat of government, and shall be commander-in-chief of the militia thereof; he may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the Confederate States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to*

office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for six years, unless sooner removed by the President of the Confederate States; he shall record and preserve all the laws and proceedings of the Legislature hereinafter constituted, and all the acts and proceedings of the Governor in his Executive Department; he shall transmit one copy of the laws and journals of the Legislature within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July, in each year, to the President of the Confederate States, and four copies of the laws to the Vice-President, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed to fill such vacancy.

Secretary; his powers and duties.

In case of death, resignation, or removal of Governor, the Secretary to act as Governor.

SEC. 4. *And be it further enacted*, That the Legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislature shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualification of voters, as hereinafter prescribed, whose term of office shall continue two years. The House of Representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of office shall continue one year. The number of Representatives may be increased by the Legislature, from time to time, in proportion to the increase of the qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties for which they may be elected respectively. The said apportionment shall be based upon the census report of New Mexico for the year 1860, made by direction of the late United States.

Legislative power; in whom vested.

Legislative Assembly to consist of a Council and House of Representatives; how composed.

Proviso.

Apportionment for the election of members of Legislative Council.

Members of the Council and House of Representatives; where to reside.

Basis of apportionment.

SEC. 5. *And be it further enacted*, That the Governor shall regulate the first election which shall be held for members of the Council and House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, both as to persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct, and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of the election districts for members of the Council, shall be declared by him to be duly elected to the Council, and the persons having the highest number of legal votes for the House of Representatives, shall be declared by him to be duly elected members of said House; and the Governor, thereupon, shall give to the respective members of the Council and the House, so declared, certificates of election, under his official signature. In any case, where it shall be declared, in the first election, that the people have failed to elect, another election shall be ordered, and if any vacancy occurs during the session of the first Legislature, another election shall likewise be ordered by the Governor, under the same rules, to fill such vacancy; but the first Legislature shall

Governor to regulate first election for members of Council and House of Representatives.

Time, place and manner of holding elections.

Certificate of election.

Another election ordered where there is a failure to elect, or to fill a vacancy.

provide, by law, for all failures to elect, or vacancies which may occur thereafter. And it is hereby provided that no session shall exceed fifty days except the first session, which may continue seventy days. And it is further provided, that all legislative proceedings shall be conducted in the

Term of sessions limited.

Proceedings to be in the English language.

Qualifications of voters.

No person belonging to the army or navy to vote in said Territory, not being a citizen thereof.

Extent of legislative power.

Power of the Council and House of Representatives, and the Governor in enacting laws, and proceedings therein.

Governor not to exercise veto in certain cases.

Congress may change or annul laws passed by the Legislative Assembly.

And may pass any laws for the people of said Territory.

Appointment of Territorial and county officers.

Governor to lay off election districts.

Proviso.

Restriction on members of Legis-

Sec. 6. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed shall be entitled to a vote at the first election, and shall be eligible to any office in the said Territory; but the qualifications of voters and of holding office shall be exercised only by citizens of the Confederate States: *And provided*

further, That no officer, soldier, seaman, or marine, or other person in the army or navy of the Confederate States, or attached to troops in the service of the Confederate States, not being a citizen of said Territory, shall be allowed to vote or hold office in said Territory.

Sec. 7. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the Confederate States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the Confederate States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory, shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be considered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within six days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent its return, in

which case it shall not be a law: *Provided always*, That the Governor shall not exercise the veto in cases hereinafter expressly reserved or denied by this act: *Provided further*, That the Congress of the Confederate States may, at any time, change, modify, or annul any law that may be passed by the Legislative Assembly, but no change or annulling of the same shall affect or disturb any rights acquired previous to the making of such change or alteration. *And provided further*, That said Congress may, at any time during the existence of said Territorial Government, originate and pass for the people of said Territory any law which Congress may deem expedient or necessary and proper.

Sec. 8. *And be it further enacted* That all territorial and county officers not herein otherwise provided for, shall be appointed by the Governor, and they shall hold their offices until they are filled by persons appointed or elected conformably to such law as the Legislature shall enact in relation thereto. The Governor shall lay off, for the first election, the election districts for the members of the council and House of Representatives, where deemed necessary: *Provided, always*, That after the first session, the Legislature shall exercise the sole power of laying off all election districts.

Sec. 9. *And be it further enacted*, That no member of the Legislature shall hold or be appointed to any office which shall have been created, or

the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislature; and no person holding a commission or appointment in the military service of the Confederate States shall be a member of the Legislature, or hold any civil office under the government of said Territory.

lative Assembly as to appointments to office.

Sec. 10. *And be it further enacted*, That the Judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually. They shall appoint a clerk, who shall hold his office during their pleasure, and who shall receive such fees in all cases in said court, as the clerk of the supreme court of the Territory of New Mexico is now entitled to by law; and they shall hold their offices during the period of six years, and until their successors are duly appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and place as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and justices of the peace shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall hold his office at the pleasure of the court for which he shall have been appointed, and who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals shall be allowed in all cases from the final decision of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decision of said supreme court shall be allowed, and may be taken to the supreme court of the Confederate States in the same manner and under the same regulations as from district courts of the Confederate States, when the value of the property or the amount in controversy to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said supreme court without regard to the value of the matter, property or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the supreme court of the Confederate States from the decision of said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the Confederate States as is vested in the circuit and district courts of the Confederate States; and the said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the supreme court of the Confederate States; and the first six days of every term of said

Judicial power, viz:

Supreme court.

May appoint its clerk.

Term of office of judges of supreme court.

District courts.

Justices of the peace.

Courts possess chancery as well as common law jurisdiction.

Each district court to appoint its clerk.

Writs of error, &c., to be allowed from decisions of district courts to supreme court.

Writs of error, &c., from decisions of supreme court to supreme court of the Confederate States.

Provision respecting cases involving title to slaves,

And the question of personal freedom.

Extent of jurisdiction of district courts.

Writs of *habeas corpus*.

Days appropriate.

ed to the trial of courts shall be appropriated to the trial of causes arising under the said certain causes. constitution and laws; and writs of error and appeals in all such cases

Fees of clerk of shall be made to the supreme court of said Territory the same as in other district court. cases. The said clerk shall receive in all cases the same fees which the

Proceedings of all courts to be in English language. receive for similar services, until otherwise prescribed by law. The proceedings in all courts in said Territory shall be conducted in the English

By whom probate judges and justices of the peace to be appointed. language. All probate judges in the said Territory shall be appointed by the Governor, and all justices of the peace therein shall be appointed by the justices of the supreme court.

Attorney: Attorney for said Territory who shall continue in office for six years, unless His fees and salary. sooner removed by the President, who shall receive an annual salary of five hundred dollars, payable quarterly, and the same fees as the attorney

Marshal: His duties, &c. general of the present Territory of New Mexico. There shall also be a marshal for the Territory appointed, who shall hold his office for six years,

Compensation. unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as district and circuit courts of the Confederate States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal for the present Territory of New Mexico, and shall, in addition, be paid two hundred dollars annually, as a compensation for extra services.

Governor, Secretary, chief and associate justices, attorney and marshal to be appointed by the President. SEC. 12. *And be it further enacted,* That the Governor, Secretary, chief justice and associate justices, attorney and marshal, shall be nominated, and, by and with the advice and consent of Congress or the Senate, appointed by the President of the Confederate States. The Governor and Secretary to be appointed as aforesaid shall, before they act as

Each to take of social oaths, &c. such, respectively, take an oath or affirmation before a district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations, or before the chief justice or some associate justice of the supreme court of the Confederate States, to support the constitution of the Confederate States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken, and such certificates shall be received and recorded by the said Secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and five hundred dollars as commissioner of Indian affairs. The salary of the Secretary of the Territory shall be the sum of twelve hundred dollars per annum, payable quarterly. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. All salaries shall be paid quarterly at the Treasury of the Confederate States. The members of the Legislative Assembly shall be entitled to receive four dollars each per day during their attendance at the sessions thereof, and four dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be

Salary of Governor. appropriated annually the sum of one thousand dollars, to be expended by the Governor, to defray the contingent expenses of the Territory; there

Salary of Secretary.

Salary of chief and associate justices.

Salaries paid quarterly.

Compensation of members of Legislative Assembly.

Provision for contingent expenses.

shall also be appropriated annually a sufficient sum to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the Confederate States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the Confederate States for the manner in which the aforesaid sum shall have been expended.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Arizona shall hold its sessions at La Mesilla, which is hereby designated as the seat of government of the said Territory, until otherwise provided by law.

Where Legislative Assembly to hold its sessions. Seat of government.

SEC. 14. *And be it further enacted*, That a Delegate to the Congress of the Confederate States to serve during each Congress, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to such rights and privileges as may be provided by the constitution and laws of the Confederate States. The first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and at all subsequent elections, the time and places, and manner of holding elections shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly; and such delegate shall receive mileage at the rate of ten cents per mile, and eight dollars for each day's attendance at the session of Congress.

Delegate to House of Representatives of the Confederate States to be elected. Time of electing said delegate, &c.

SEC. 15. *And be it further enacted* That temporarily, and until otherwise provided by law, the Governor of said Territory may define the Judicial districts of said Territory, and assign the judges who may be appointed for said Territory, to the several districts, and also appoint the times and places of holding courts in the several counties or sub-divisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly at their first or any subsequent session may alter, modify or organize such judicial districts, and assign the judges, and alter the times and places of holding the courts as to them shall seem proper and convenient.

His mileage and pay.

Governor may define the judicial districts, and assign the judges to them, &c.; but the Legislative Assembly may alter, modify or organize such judicial districts, &c.

SEC. 16. *And be it further enacted*, That the constitution and all laws of the Confederate States which are not locally inapplicable, shall have the same force and effect within the Territory of Arizona as elsewhere within the Confederate States.

Constitution and laws of the C. S. extended over said Territory.

SEC. 17. *And be it further enacted*, That the provisions of this act be, and are hereby suspended until the President of the Confederate States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.

Provisions of this act suspended till President shall issue his proclamation and appoint the officers.

APPROVED January 18, 1862.

CHAP. XLV.—An Act to provide for raising and organizing, in the State of Missouri, additional troops for the provisional army of the Confederate States.

1862, Jan. 22.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to nominate, and by and with the advice and consent of Congress, to appoint and commission in the provisional army of the Confederate States, one major general and such brigadier generals to the command of troops, now and hereafter to be raised and organized for the provisional army in the State of Missouri, as he may think proper.

President authorized to appoint major general and brigadier generals to the command of troops in Missouri.