

CHAP. LXXVII.—*An Act to relinquish any claim on the part of the government to any share in certain prizes.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* the government of the Confederate States do hereby relinquish all claim to any portion of the proceeds of the sale of certain vessels and their cargoes captured in the Chesapeake bay and Potomac river, on or about the twenty-ninth day of June, eighteen hundred and sixty-one, by George M. Hollins, Captain in the Confederate States navy, and certain officers of the navy, and private citizens under his command; said prizes having been made without the participation of any vessel of the Confederate States or other government aid.

Relinquishment on the part of the government to its share in certain vessels, &c., taken in the Chesapeake bay by Capt. Hollins.

APPROVED February 15, 1862.

CHAP. LXXVIII.—*An Act to fix the rank of certain officers.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* the rank of commissioned officers of regiments, battalions, squadrons and companies, who continue in service by re-election in regiments, battalions, squadrons or companies, organized of troops re-enlisting under the act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army, approved December eleventh, eighteen hundred and sixty-one, and the act supplemental thereto, approved February third, eighteen hundred and sixty-two, or under the act to provide for the recruiting companies now in the service of the Confederate States for twelve months, approved January twenty-ninth, eighteen hundred and sixty-two, shall date from the time of their original election or appointment: *Provided*, Such officers shall be re-elected or appointed to offices of the same grade in the same corps.

Rank of commissioned officers who continue in service by re-election to date from the time of their original election or appointment.

1861, Dec. 11.  
1862, Feb. 3.

1862, Jan. 29.  
Proviso.

APPROVED February 15, 1862.

CHAP. LXXIX.—*An Act to establish judicial courts in certain Indian Territories.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* in order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences or misdemeanors, and to civil remedies, as is, or may be, in force within the Indian country west of Missouri and Arkansas, south of Kansas and north of Red river, the country owned and occupied by the Cherokee Nation, as the boundaries of the same are defined by treaty between that nation and the Confederate States, is hereby erected into and constituted a judicial district of the Confederate States, for the special purposes and with the jurisdiction in this act and in existing laws and the treaty aforesaid provided, to be called and known as the district of Chalah-ki; and the whole country owned and occupied by the Choctaw and Chickasaw Nations, as the boundaries of the same are defined by treaty between these nations and the Confederate States, including the country west of the ninety-eighth degree of west longitude, leased by said nations to the Confederate States, is hereby erected into and constituted a judicial district of the Confederate States, for the special purposes and with the jurisdiction in this act and in existing laws, and the treaty aforesaid provided, to be called and known as the Tush-ca-hom-ma district.

Judicial courts established in certain Indian Territories.

District of Chalah-ki.

District of Tush-ca-hom-ma.

SEC. 2. *And be it further enacted*, That all the country owned and possessed by the Creek Nation, or Muskoki Confederation, all that country

Certain territory to constitute an in-

tegral part of the owned and possessed by the Seminole Nation, all that country occupied and held by the Great and Little Osage Tribes of Indians, and all that Cha-lah-kijudicial district. country occupied by the Quapaws, the Seneca Tribe, formerly known as the Senecas of the Sandusky, and the Senecas and Shawnees, formerly known as the Senecas and Shawnees of Louistown, as the said countries are described and their limits defined in the treaties with the said several nations, tribes and bands of Indians, are hereby annexed to, and shall, for all the purposes of this act, constitute and continue an integral part of the Cha-lah-ki judicial district hereby established.

Jurisdiction of the court co-extensive with the limits of the district. SEC. 3. *And be it further enacted,* That the jurisdiction of each court hereinafter created shall be co-extensive with the limits of the district for which it is created, as such district is hereinafter defined.

District court to be held semi-annually in each district. SEC. 4. *And be it further enacted,* That in each of the said two districts there is hereby created, and shall hereafter be held, semi-annually, a district court of the Confederate States, with such jurisdiction in such matters, civil and criminal, to such extent and between such parties as is hereinafter provided.

Appointment of judges. SEC. 5. *And be it further enacted,* That there shall be appointed by the President of the Confederate States, by and with the advice and consent of the Senate or the Provisional Congress, one judge of the district courts of the Confederate States for the said Cha-lah-ki and Tush-ca-hom-ma districts,

Where to reside. who shall reside permanently in one or the other of said districts, and hold Term of office. his office during the term of four years; and there shall also be appointed Appointment of marshals and attorneys. one marshal and one attorney for each of said districts, all of whom shall Term of office. hold their offices during the term of four years, and reside permanently in office. Residence. their respective districts.

Fees and salary of attorneys. SEC. 6. *And be it further enacted,* That the attorneys shall receive the same fees and salary as are now allowed to the district attorneys for the Fees of marshals. western district of Arkansas; and the marshals shall each be entitled to the same fees as are now allowed to the marshal for the western district of Arkansas; and each such marshal shall also, in addition, be paid Compensation for extra services. two hundred and fifty dollars annually, as a compensation for extra services.

Judges to appoint clerks and interpreters. SEC. 7. *And be it further enacted,* That the district judge for the Cah-lah-ki and Tush-ca-hom-ma districts shall appoint a clerk and may also be interpreter for each Indian language spoken in the district, for each of the district courts over which he presides. Each of said clerks shall also be

Clerk to act as register in chancery. Term of office. Where clerks office to be kept. the register in chancery, shall hold his office during the pleasure of the court, shall keep his office at the place where the court is held, shall receive the same fees and compensation as are now allowed by law to the clerk of the district court for the western district of Arkansas, and shall be qualified

Fees and compensation. Duties. Pay of interpreters. in like manner, and perform like duties as the clerks of other district courts of the Confedeseate States. Each interpreter shall be employed during the pleasure of the court, and paid such compensation as the judge shall fix, not exceeding three dollars per day, for each day of the session. The

Qualification and bond of marshals. marshals shall give bond and be qualified like the marshals of the Confederate States in other districts; and the marshals, clerks and interpreters shall be selected from among the citizens of the Choctaw or Chickasaw and Cherokee nations, respectively.

Marshals, clerks and interpreters to be selected from among the citizens. Where district courts to be held. SEC. 8. *And be it further enacted,* That the district court for the Tush-ca-hom-ma district shall be held at Boggy depot in the Choctaw Nation; and that the district court for the Cha-lah-ki district shall be held at Tah-lequah, in the Cherokee Nation, or at the seat of government of the Cherokee Nation, whenever that shall be removed from Tahlequah to any other point or place.

Terms of court; when to be holden. SEC. 9. *And be it further enacted,* That the terms of said district court for the district of Cha-lah-ki shall be holden on the first Mondays of March

and September; and the said district court for the district of Tush-ca-hom-ma, shall be holden on the third Mondays of April and October in each and every year.

SEC. 10. *And be it further enacted*, That in all criminal trials in said district courts, and in all suits therein at common law, the right of trial by jury shall remain inviolate; and prosecutions for all offences hereby made cognizable in said district courts, shall be commenced by presentment or indictment of a grand jury.

Trial by jury.  
Prosecutions for offences commenced by presentment or indictment.

SEC. 11. *And be it further enacted*, That each of the said district courts shall have, possess and exercise criminal jurisdiction, co-extensive with the limits of the district, to try and punish persons guilty of any offence against the laws of the Confederate States, in force within the district, the punishment whereof, when there committed, is provided for by law, or treaty of the Confederate States; and to enforce the execution of all laws of the Confederate States, declared to be in force in the Indian country, or within the limits of an agency reserve, or of the forts or military posts therein. And the said district courts shall respectively have jurisdiction to try, condemn and punish offenders against any of such laws or treaties, to adjudge and pronounce sentence, and cause execution thereof to be done, in the same manner as is done in other district courts of the Confederate States; to which end each of said district courts shall possess the powers heretofore possessed by circuit courts of the United States, so far as the same shall be necessary to carry out the provisions of this act, or of the treaties with the several Indian nations, tribes and bands.

Criminal jurisdiction.

SEC. 12. *And be it further enacted*, That each of said district courts shall have the same admiralty jurisdiction as other district courts of the Confederate States, against persons residing, or vessels and other subjects of admiralty jurisdiction found within the district; and in all civil suits at law or in equity, where the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States, or of any Territory or Province of the same, or an alien or aliens, and a citizen or citizens of the district, or a person or persons residing therein; which jurisdiction shall be exercised in such manner and with like pleadings and process, as in other district courts of the Confederate States.

Admiralty jurisdiction.

Jurisdiction in civil cases.

SEC. 13. *And be it further enacted*, That the said district courts for the districts of Tush-ca-hom-ma and Cha-lah-ki, respectively, shall have no jurisdiction to try and punish any person for any offence committed prior to the 12th day of July, in the year of our Lord one thousand eight hundred and sixty-one, in the said Tush-ca-hom-ma district; or prior to the seventh day of October, in the same year, in the Cha-lah-ki district, as hereby constituted; nor shall any action in law or equity be maintained in the said district court of Tush-ca-hom-ma district where the cause of action accrued before the twelfth day of July, in the year of our Lord one thousand eight hundred and fifty-eight; and in the said district court of the Cha-lah-ki district, where the cause of action accrued before the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one; except where the action is brought by the Confederate States, or by a State of the Confederacy, for its or their own use and benefits.

Pleadings and process.

No jurisdiction over offences committed or causes of action accrued prior to certain periods.

Exception.

SEC. 14. *And be it further enacted*, That each of the said district courts shall have jurisdiction in all civil suits instituted by the Confederate States, or by one or more States of the Confederacy, against any person or persons, whether white men or Indians, residing or found within the district; and in all civil suits the same practice shall govern, the same proceedings be had in all respects, before and after judgment or decree, and the same costs be adjudged, and be in the same manner collected, as now in the district court of the Confederate States for the Western District of Arkansas; and

Further jurisdiction in civil cases.

Practice in civil cases.

Costs.

Forms of process. the forms of all original, mesne, and final process shall be the same as are now used in that court.

Proceedings to be in the English language. **SEC. 15. *And be it further enacted,*** That all the proceedings in said courts shall be had and recorded in the English language; and no person shall be competent to serve as a juror who is not a citizen of the district; that

Who competent to serve as jurors. all citizens of the district, being free males, without mixture of negro blood, and over the age of twenty-one years, if competent by the general rules of law, shall be competent to serve as jurors, preference being given

How jury constituted when Indian is tried. to those who can speak and understand the English language; and every Indian tried in said courts having the right to a jury of one-half of his own nation; that the practice in all criminal cases therein, including the right

Practice in criminal cases. of challenge of jurors, shall be the same as in the district court of the Confederate States for the western district of Arkansas; and that within the sphere of its jurisdiction hereby defined, each of said courts shall be invested with the same powers as said district court of the western district

Validity and authentication of proceedings. of Arkansas; its proceedings shall have the same validity as those of that court, and shall be authenticated in the same mode and have the like faith and credit everywhere.

Juries where white persons are put on trial. **SEC. 16. *And be it further enacted,*** That when any white person, not by birth, adoption, or otherwise, a citizen or member of any Indian nation or tribe, as such citizenship is defined by law or treaty, shall be tried in either of said district courts for any criminal offence, such person shall be entitled, upon demand, and as of right, to a jury of white men, to obtain

Venire facias. which a writ of venire facias may, if necessary, issue to the marshal of an adjoining district in a State, commanding him to summon a panel of twenty persons to serve as jurors in the given case, which writ shall be

Attendance may be compelled by attachment. served by such marshal, and the attendance of the panel compelled, if necessary, by attachment; and out of such panel and tal[is]men, summoned

No challenge of juror except for cause. in like manner, if necessary, the jury shall be selected, no challenge being in such case allowed the prisoner, except for cause.

Laws regulating the powers, &c., of the district courts of the C. S. to apply. **SEC. 17. *And be it further enacted,*** That all existing provisions of law, relating to the powers, duties or modes of proceeding and action of the district courts of the Confederate States, of a general nature, not locally inapplicable and not contrary to the provisions of this act, shall extend and apply to said district courts; that their judgments and decrees shall

Effect of judgments and decrees. have the same effect as those of such other courts, and sales of property thereunder shall be made and evidenced, and title thereby pass, in the same manner as under judgments and decrees of said district court for the

How property sold and title to pass. western district of Arkansas.

Common law and statutes of England, made prior to July 4, 1776, to govern in each district. **SEC. 18. *And be it further enacted,*** That the common law of England and the statutes of England, of a general nature, made prior to the fourth day of July, seventeen hundred and seventy-six, in aid of, and modifying or adding to, the common law, so far as the same have not been changed, altered, annulled or repealed by the laws, customs and usages of the Cherokee nation, shall govern in each of said districts, in all matters within the civil jurisdiction of the said district courts.

Felony: how punished. **SEC. 19. *And be it further enacted,*** That, whenever any person is convicted of any offence, amounting to felony, at common law, or by statute, in either of the said district courts, and part of the punishment inflicted is imprisonment, such punishment shall be imprisonment and confinement at

Imprisonment. hard labor, for the whole term adjudged; and it shall be lawful for the court by which the sentence is passed, to order the same to be executed in any State prison or penitentiary in an adjoining State, the use of which may be allowed by the Legislature of the State for such purpose, and the

Expenses to be paid by C. S. expenses attendant upon the execution of such sentence shall be paid by the Confederate States.

Bills of excep- **SEC. 20. *And be it further enacted,*** That bills of exceptions, writs o

error, and appeals from the decisions of each of said district courts, 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 other district courts of the Confederate States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, shall exceed one thousand dollars; but in cases involving the question of title to slaves, such writs of error or appeals shall be allowed to and decided by the said supreme court, without regard to the value of the matter, property or title, in controversy; and from any decision of either of said courts, or the judge of either, upon any writ of *habeas corpus*, involving a question of personal freedom, a writ of error or appeal shall be allowed to said supreme court.

SEC. 21. *And be it further enacted*, That writs of error shall lie to the supreme court, in behalf of the accused, from the decisions of the said district courts, in all criminal cases where the life or liberty of the accused is put in jeopardy; and the writ of error in such cases shall operate [as] a super-seedeas when it is so directed by the judge of the district court, or by a judge of the supreme court; and the supreme court shall provide such rules for the regulations of this remedy in error as shall prevent abuse thereof, or the escape of persons accused of crime.

SEC. 22. *And be it further enacted*, That the district judge for the Cha-lah-ki and Tush-ca-hom-ma districts shall receive an annual salary of twenty-five hundred dollars, to be paid quarter-yearly from the date of his commission, at the Treasury of the Confederate States; and there shall be appropriated annually the sum of one thousand dollars to defray the contingent expenses of each of said courts.

SEC. 23. *And be it further enacted*, That this act shall take effect as to each nation, tribe or band therein named, from the date of the ratification of the treaty, by such nation, tribe or band.

APPROVED February 15, 1862.

CHAP. LXXX.—*An Act to provide for an increase of the Quartermaster and Commissary Departments.* February 15, 1862.

*The Congress of the Confederate States of America do enact*, That in addition to the number of quartermasters, assistant quartermasters, commissaries and assistant commissaries, now allowed by law, the President shall have authority to appoint as many of said officers, as shall, in his discretion, be deemed necessary at permanent posts and depots; said appointments to terminate at the close of the war, or sooner, if the services of the officer can be advantageously dispensed with: *Provided*, That no quartermaster, assistant quartermaster, commissary or assistant commissary, be authorized to employ a clerk; but the commanding officer of quartermasters, assistant quartermasters, commissaries or assistant commissaries, shall detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries and assistant commissaries.

APPROVED February 15, 1862.

CHAP. LXXXI.—*An Act concerning the pay and allowances due to deceased soldiers.* February 15, 1862.

*The Congress of the Confederate States of America do enact*, That the pay and allowances due to any deceased volunteer, non-commissioned