

Farther proviso. 1864, ch. 247, § 10. *Ante*, p. 388.

to receive the pension, to commence from the death or marriage of such widow and [to] continue as aforesaid: *Provided, further*, That nothing herein contained shall be construed to repeal or modify the tenth section of an act entitled "An act supplementary to 'An act to grant pensions,' approved July fourteenth, eighteen hundred and sixty-two," approved July fourth, eighteen hundred and sixty-four, and said section is hereby declared to be in full force and effect in all cases arising under this act to which said section is applicable, saving and excepting such cases as are embraced in the preceding proviso.

APPROVED, March 3, 1865.

March 3, 1865. CHAP. LXXXV. — *An Act to provide for a Chief of Staff to the Lieutenant-General commanding the Armies of the United States.*

Chief of staff to lieutenant-general. Rank, pay, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States may, by and with the advice and consent of the Senate, appoint a chief of staff to the lieutenant-general commanding the armies of the United States, who shall have the rank, pay, and allowances of a brigadier-general in the United States army.

APPROVED, March 3, 1865.

March 3, 1865. CHAP. LXXXVI. — *An Act regulating Proceedings in criminal Cases, and for other Purposes.*

Grand juries in district or circuit courts to consist of how many members. If insufficient number attends. Challenges. Twelve must vote for bill. Foreman may swear witnesses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every grand jury impanelled before any district or circuit court of the United States to inquire into and presentment make of public offences against the United States, committed or triable within the district for which the court is holden, shall consist of not less than sixteen and not exceeding twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. And whenever a challenge to an individual grand juror is allowed, and there are not other jurors in attendance sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose. No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Challenges, number of; to be tried by the court

SEC. 2. *And be it further enacted*, That when the offence charged be treason or a capital offence, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On a trial for any other offence in which the right of peremptory challenge now exists, the defendant shall be entitled to ten and the United States to two peremptory challenges. All challenges, whether to the array or panel or to individual jurors for cause or favor, shall be tried by the court without the aid of triers.

Sentences for more than a year, where to be executed. Expenses.

SEC. 3. *And be it further enacted*, That in every case where any person convicted of any offence against the United States shall be sentenced to imprisonment for a period longer than one year, 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 within the district or state where such court is held, the use of which prison or penitentiary is allowed by the legislature of such state for such purposes; and the expenses attendant upon the execution of such sentence shall be paid by the United States.