petency of witnesses in the courts of the United States, in trials at common
law, in equity, and admiralty.

SEC. 2. And be it further enacted, That so much of section twenty-nine
of an act entitled "An act to establish [the] judicial courts of the United
States," approved September twenty-four, seventeen hundred and eighty-
nine, as requires, in cases punishable with death, twelve petit jurors to be
summoned from the county where the offence was committed, be, and the
same is hereby, repealed.

APPROVED, July 16, 1862.

CHAP. CXC.—An Act prohibiting the Confinement of Persons in the Military Ser-
vice of the United States in the Penitentiary of the District of Columbia, except as a
Punishment for certain Crimes, and to discharge therefrom certain Convicts by Sentence of
Courts-martial, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That hereafter no person in the
military service of the United States, convicted and sentenced by a court-
martial, shall be punished by confinement in the penitentiary of the Dis-

trict of Columbia, unless the offence of which such person may be convicted
would by some statute of the United States or at common law, as the same
exists in the said District, subject such convict to said punishment.

SEC. 2. And be it further enacted, That all such persons in the military
service, as aforesaid, who have heretofore been, or may hereafter be, con-
victed and sentenced by a court-martial for any offence which, if tried
before the criminal court of said District, would not subject such person
to imprisonment in said penitentiary, and who are now or may hereafter
be confined therein, shall be discharged from said imprisonment, upon
such terms and conditions of further punishment as the President of the
United States may, in his discretion, impose as a commutation of said
sentence.

SEC. 3. And be it further enacted, That upon the application of any
citizen of the United States, supported by his oath, alleging that a person
or persons in the military service, as aforesaid, are confined in said peni-
tentiary under the sentence of a court-martial for any offence not punish-
able by imprisonment in the penitentiary by the authority of the criminal
court aforesaid, it shall be the duty of the judge of said court, or, in case
of his absence or inability, of one of the judges of the circuit court of said
District, if, upon an inspection of the record of proceedings of said court-
martial, he shall find the facts to be as alleged in said application, imme-
diately to issue the writ of habeas corpus to bring before him the said
convict; and if, upon an investigation of the case, it shall be the opinion
of such judge that the case of such convict is within the provisions of the
previous sections of this act, he shall order such convict to be confined
in the common jail of said District, until the decision of the President of
the United States as to the commutation aforesaid shall be filed in said
court, and then such convict shall be disposed of and suffer such punish-
ment as by said commutation of his said sentence may be imposed.

SEC. 4. And be it further enacted, That no person convicted upon the
decision of a court-martial shall be confined in any penitentiary of the
United States, except under the conditions of this act.

APPROVED, July 16, 1862.

CHAP. CXCIV.—An Act to suppress Insurrection, to punish Treason and Rebellion, to
seize and confiscate the Property of Rebels, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That every person who shall
hereafter commit the crime of treason against the United States, and shall
punished.