

States; and the said supreme, district, and probate court, respectively, shall possess chancery as well as common-law jurisdiction and authority for the redress of all wrongs committed against the laws of said Territory, affecting persons or property. Each district court, or the judge thereof, shall appoint its clerk, 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 exceptions, and appeals shall be allowed from the final decisions of said district and probate courts to the supreme court, under such regulations as shall be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court shall be allowed and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United 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; and each of said supreme and district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United 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 United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory received for similar services.

Probate courts  
Chancery powers.  
Clerks.  
Writs of error, &c.  
Trial by jury.  
Clerks.  
Appeals, &c., to supreme court of the United States.  
Habeas corpus.  
Precedence of trials.  
Fees of clerks.

SEC. 4. *And be it further enacted*, That the provisions of sections one and two of this act shall be applicable to the Territory of Dakota, and shall have like effect as in the Territory of Colorado.

Part of act applicable to Dakota.  
1861, ch. 86.  
*Ante*, p. 239.

APPROVED, March 2, 1863.

CHAP. LXXI. — *An Act to amend the Laws relating to the Post-Office Department.*

March 3, 1863

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster-General shall have power to appoint and commission all postmasters whose salary or compensation for the preceding fiscal year shall at the time of such appointment have been ascertained to be less than one thousand dollars per year; and in all other cases the President shall appoint. The person appointed postmaster shall reside within the delivery of the office to which he shall be appointed.

Postmasters.  
Appointment.  
Residence.

SEC. 2. *And be it further enacted*, That the Postmaster-General, all postmasters, and special agents, and all persons employed in the General Post-Office, or in the care, custody, or conveyance of the mail, hereafter appointed or employed, shall, previous to entering upon the duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emoluments therefor, in addition to the oath of office prescribed by the act of July two, eighteen hundred and sixty-two, respectively take and subscribe the following oath or affirmation before some magistrate, and cause a certificate thereof to be filed in the General Post-Office: "I, A. B., do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishment of the post-

All persons employed in post-office to take oath of office.  
1862, ch. 128.  
*Ante*, p. 502.  
Form of oath.

shall be considered as public documents, and entitled to be franked as such; and except also seeds, cuttings, roots, and scions, the weight of the packages of which may be fixed by regulation of the Postmaster-General. Weight of packages of seeds.

SEC. 43. *And be it further enacted*, That all publishers of periodicals, magazines, and newspapers which shall not exceed sixteen ounces in weight shall be allowed to interchange their publications reciprocally free of postage: *Provided*, That such interchange shall be confined to a single copy of each publication. Publishers may interchange free except, &c.

SEC. 44. *And be it further enacted*, That this act shall be in force and take effect from and after the thirtieth day of June, eighteen hundred and sixty-three. When act to take effect.

SEC. 45. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

APPROVED, March 3, 1863.

CHAP. LXXII. — *An Act to disapprove of the twenty-sixth Section of the Act of the Legislative Assembly of the Territory of Nevada, and for other Purposes.* March 3, 1863.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section twenty-six of an act of the Legislative Assembly of the Territory of Nevada entitled "An act to provide for the formation of corporations for certain purposes," approved December twenty, eighteen hundred and sixty-two, said section being as follows: "Section 26. All corporations heretofore formed under the provisions of acts of incorporation in other States or Territories, and holding or owning property within this Territory of such character as specified in section first of this act, and managed by a board or boards of trustees or directors, and having their principal place of business outside the limits of this Territory, are hereby required to remove their places of business, principal offices, books, and papers, heretofore kept, or necessary for the transaction of such business, to some point to be designated by said corporation, within the limits of this Territory, within six months after the passage of this act, or otherwise such corporation or corporations shall be disregarded in law as a corporation, and the corporators or stockholders thereof be treated as tenants in common, or joint owners of such property so owned or held within this Territory. Any corporation, by filing and recording its certificate of incorporation, or a certified copy thereof, with the secretary of the Territory, and with the clerk of the county in which such corporation may locate as the principal place of business, and fully complying with all the provisions of this act, shall be deemed sufficient to entitle such corporation to all the rights and privileges under the provisions of this act." be and the same is hereby disapproved, and the same is hereby annulled and made void. Law of Nevada Territory respecting corporations disapproved.

SEC. 2. *And be it further enacted*, That all incorporated companies, duly organized within any state or territory of the United States, may sue and be sued, plead and be impleaded, in the several courts of the Territory of Nevada, anything in the laws of said Territory to the contrary notwithstanding. Corporations in Nevada may sue, &c.

APPROVED, March 3, 1863.

CHAP. LXXIII. — *An Act to provide Ways and Means for the Support of the Government.* March 3, 1863.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized to borrow, from time to time, on the credit of the United States, a sum not exceeding three hundred millions of dollars for the current fiscal year, and six hundred millions for the The Secretary of Treasury may borrow not over \$300,000,000 for this year, and \$600,000,000 for the next.



three, in such form as he may deem expedient, not bearing interest, payable to bearer, and of such denominations, not less than one dollar, as he may prescribe, which notes so issued shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt; and any of the said notes, when returned to the treasury, may be reissued from time to time as the exigencies of the public service may require. And in lieu of any of said notes, or any other United States notes, returned to the treasury, and cancelled or destroyed, there may be issued equal amounts of United States notes, such as are authorized by this act. And so much of the act to authorize the issue of United States notes, and for other purposes, approved February twenty-five, eighteen hundred and sixty-two, and of the act to authorize an additional issue of United States notes, and for other purposes, approved July eleven, eighteen hundred and sixty-two, as restricts the negotiation of bonds to market value, is hereby repealed. And the holders of United States notes, issued under and by virtue of said acts, shall present the same for the purpose of exchanging the same for bonds, as therein provided, on or before the first day of July, eighteen hundred and sixty-three, and thereafter the right so to exchange the same shall cease and determine.

Denominations.  
Legal tender, except for duties and interest.

Reissue.

Issues in lieu of notes cancelled.

Repeal of part of 1862, ch. 33, 1862, ch. 142, (Anle, pp. 345, 532) restricting negotiation to market value.

When former notes must be presented for exchange.

SEC. 4. *And be it further enacted*, That in lieu of postage and revenue stamps for fractional currency, and of fractional notes, commonly called postage currency, issued or to be issued, the Secretary of the Treasury may issue fractional notes of like amounts in such form as he may deem expedient, and may provide for the engraving, preparation, and issue thereof in the treasury department building. And all such notes issued shall be exchangeable by the assistant-treasurers and designated depositaries for United States notes, in sums not less than three dollars, and shall be receivable for postage and revenue stamps, and also in payment of any dues to the United States less than five dollars, except duties on imports, and shall be redeemed on presentation at the treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That the whole amount of fractional currency issued, including postage and revenue stamps issued as currency, shall not exceed fifty millions of dollars.

In lieu of postage currency fractional notes may be issued.

For what exchangeable and payable.

Issue not to exceed \$50,000,000.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to receive deposits of gold coin and bullion with the treasurer or any assistant-treasurer of the United States, in sums not less than twenty dollars, and to issue certificates therefor, in denominations of not less than twenty dollars each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the treasury for the payment of the same on demand. And certificates representing coin in the treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed twenty per centum beyond the amount of coin and bullion in the treasury; and the certificates for coin or bullion in the treasury shall be received at par in payment for duties on imports.

Secretary may receive gold on deposit and issue certificates therefor.

Such certificates may be issued to pay interest on the public debt and duties.

Limit of amount.

SEC. 6. *And be it further enacted*, That the coupon or registered bonds, treasury notes, and United States notes authorized by this act shall be in such form as the Secretary of the Treasury may direct, and shall have printed upon them such statements, showing the amount of accrued or accruing interest, the character of the notes, and the penalties or punishment for altering or counterfeiting them, as the Secretary of the Treasury may prescribe, and shall bear the written or engraved signatures of the treasurer of the United States and the register of the treasury, and also, as evidence of lawful issue, the imprint of a copy of the seal of the Treasury Department, which imprint shall be made, under the direc-

Secretary to determine form of bonds and notes.

What to be printed thereon.

How signed.

To have imprint of seal.

tion of the Secretary, after the said notes or bonds shall be received from the engravers and before they are issued; or the said notes and bonds shall be signed by the treasurer of the United States, or for the treasurer by such persons as may be specially appointed by the Secretary of the Treasury for that purpose, and shall be countersigned by the register of the treasury, or for the register by such persons as the Secretary of the Treasury may specially appoint for that purpose. And all the provisions of the act entitled "An act to authorize the issue of treasury notes," approved the twenty-third day of December, eighteen hundred and fifty-seven, so far as they can be applied to this act, and not inconsistent therewith, are hereby revived and reenacted.

SEC. 7. *And be it further enacted*, That all banks, associations, corporations, or individuals, issuing notes or bills for circulation as currency, shall be subject to and pay a duty of one per centum each half year from and after April first, eighteen hundred and sixty-three, upon the average amount of circulation of notes or bills as currency issued beyond the amount hereinafter named, that is to say: banks, associations, corporations, or individuals, having a capital of not over one hundred thousand dollars, ninety per centum thereof; over one hundred thousand and not over two hundred thousand dollars, eighty per centum thereof; over two hundred thousand and not over three hundred thousand dollars, seventy per centum thereof; over three hundred thousand and not over five hundred thousand dollars, sixty per centum thereof; over five hundred thousand and not over one million of dollars, fifty per centum thereof; over one million and not over one million and a half of dollars, forty per centum thereof; over one million and a half, and not over two millions of dollars, thirty per centum thereof; over two millions of dollars, twenty-five per centum thereof. In the case of banks with branches, the duty herein provided for shall be imposed upon the circulation of the notes or bills of such branches severally, and not upon the aggregate circulation of all; and the amount of capital of each branch shall be considered to be the amount allotted to or used by such branch; and all such banks, associations, corporations, and individuals shall also be subject to and pay a duty of one half of one per centum each half year from and after April first, eighteen hundred and sixty-three, upon the average amount of notes or bills not otherwise herein taxed and outstanding as currency during the six months next preceding the return hereinafter provided for; and the rates of tax or duty imposed on the circulation of associations which may be organized under the act "to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February twenty-fifth, eighteen hundred and sixty-three, shall be the same as that hereby imposed on the circulation and deposits of all banks, associations, corporations, or individuals, but shall be assessed and collected as required by said act; all banks, associations, or corporations, and individuals issuing or reissuing notes or bills for circulation as currency after April first, eighteen hundred and sixty-three, in sums representing any fractional part of a dollar, shall be subject to and pay a duty of five per centum each half year thereafter upon the amount of such fractional notes or bills so issued. And all banks, associations, corporations, and individuals receiving deposits of money subject to payment on check or draft, except savings institutions, shall be subject to a duty of one eighth of one per centum each half year from and after April first, eighteen hundred and sixty-three, upon the average amount of such deposits beyond the average amount of their circulating notes or bills lawfully issued and outstanding as currency. And a list or return shall be made and rendered within thirty days after the first day of October, eighteen hundred and sixty-three, and each six months thereafter, to the commissioner of internal revenue, which shall contain a true and faithful account of the amount of duties accrued, or

Signature.

Provisions of  
act 1857, ch. 1,  
revived,  
Vol. xi. p. 257.

Duty on bank  
circulation after  
April 1, 1863.

Banks with  
branches.

Additional tax  
on banks.

1863, ch. 58.  
*Ante*, p. 665.

Circulation of  
fractional notes.

Duty on de-  
posits.

Returns by  
banks.

which should accrue, on the full amount of the fractional note circulation and on the average amount of all other circulation and of all such deposits, for the six months next preceding. And there shall be annexed to every such list or return a declaration, under oath or affirmation, to be made in form and manner as shall be prescribed by the commissioner of internal revenue, of the president, or some other proper officer of said bank, association, corporation, or individual, respectively, that the same contains a true and faithful account of the duties which have accrued, or which should accrue, and not accounted for; and for any default in the delivery of such list or return, with such declaration annexed, the bank, association, corporation, or individual making such default, shall forfeit, as a penalty, the sum of five hundred dollars. And such bank, association, corporation, or individual shall, upon rendering the list or return as aforesaid, pay to the commissioner of internal revenue the amount of the duties due on such list or return, and in default thereof shall forfeit, as a penalty, the sum of five hundred dollars; and in case of neglect or refusal to make such list or return as aforesaid, or to pay the duties as aforesaid, for the space of thirty days after the time when said list should have been made or rendered, or when said duties shall have become due and payable, the assessment and collection shall be made according to the general provisions prescribed in an act entitled "An act to provide internal revenue to support the Government and to pay interest on the public debt," approved July one, eighteen hundred and sixty-two.

To be under oath.

Duties to be paid on rendering the return.

Penalty for neglect.

1862, ch. 119. *Ante*, p. 432.

SEC. 8. *And be it further enacted*, That, in order to prevent and punish counterfeiting and fraudulent alterations of the bonds, notes, and fractional currency authorized to be issued by this act, all the provisions of the sixth and seventh sections of the act entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States," approved February twenty-fifth, eighteen hundred and sixty-two, shall, so far as applicable, apply to the bonds, notes, and fractional currency hereby authorized to be issued, in like manner as if the said sixth and seventh sections were hereby adopted as additional sections of this act. And the provisions and penalties of said sixth and seventh sections shall extend and apply to all persons who shall imitate, counterfeit, make, or sell any paper such as that used, or provided to be used, for the fractional notes prepared, or to be prepared, in the treasury department building, and to all officials of the treasury department engaged in engraving and preparing the bonds, notes, and fractional currency hereby authorized to be issued, and to all official and unofficial persons in any manner employed under the provisions of this act. And the sum of six hundred thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry this act into effect.

Penalties of former act against counterfeiting, &c., made applicable.

1862, ch. 33, §§ 6, 7. *Ante*, p. 347.

Appropriation for expenses of this act.

APPROVED, March 3, 1863.

CHAP. LXXIV. — *An Act to amend an Act entitled "An Act to provide Internal Revenue to support the Government and pay Interest on the Public Debt," approved July first, eighteen hundred and sixty-two, and for other Purposes.*

March 3, 1863.

1862, ch. 119. *Ante*, p. 432.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That "An act to provide internal revenue to support the Government and pay interest on the public debt," approved July first, eighteen hundred and sixty-two, be, and the same hereby is, amend[ed] as hereinafter set forth, namely: —

Amendments.

That wherever any written notice, or other instrument in writing, is required, the same shall be lawful if written or partly written and printed.

Written notice may be partly in print.

Section 11. *Ante*, p. 435.

That section eleven be, and hereby is, amended so as to authorize