

competent jurisdiction in said district, be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the district prison for a term not less than six months nor more than one year.

SEC. 2. *And be it further enacted*, That any officer of the district jail of the District of Columbia, or any guard thereof, or any attaché or employee connected with said jail, who shall demand or directly or indirectly receive, any compensation, fee, reward, or gratuity for any information given in respect to any prisoner confined therein, or awaiting trial upon bail, or for any service, assistance, or influence rendered, given, or exerted, with any view, intent, or purpose of having such person thus charged or held for trial, or held *in* [on] bail to await trial, taken, offered, or used either as a volunteer or as a substitute for any other in the military or naval service, or who shall corruptly receive, for any act done by virtue of his office or employment, any fee, compensation, reward, or gratuity, shall be deemed guilty of a *misdeanor* [misdemeanor] [and] shall on conviction thereof in any district court of competent jurisdiction, be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the district prison for a term not less than three months nor more than one year.

Officers, or employees at the jail taking fees for information respecting prisoners with intent, &c., how punished.

APPROVED, March 3, 1865.

CHAP. LXXXIV. — *An Act supplementary to the several Acts relating to Pensions.*

March 3, 1865.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no invalid pensioner now or hereafter in the service of the United States shall be entitled to draw a pension for any period of time during which he is or shall be entitled to the full pay or salary which an able-bodied person discharging like duties to the government is allowed by law.

Invalid pensioners not to draw pensions while receiving full salary, &c.

SEC. 2. *And be it further enacted*, That acting assistant or contract surgeons disabled by any wound received or disease contracted while actually performing the duties of assistant surgeons or acting assistant surgeons, with any military forces in the field or in transitu, shall be entitled to the benefits of the pension laws in the same manner as if they had actually been mustered into the service with the rank of "assistant surgeon," and the widows, minor children, or the dependents of acting assistant surgeons dying while performing the duty aforesaid, shall in like manner be entitled to the same benefits of the pension laws as if the deceased had been actually mustered into the service as assistant surgeons.

Acting assistant, &c, surgeons, if disabled, &c.; entitled to pensions.

SEC. 3. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified who shall have lost one foot and one hand in the military service of the United States, and in the line of *his* [their] duty, shall be entitled to twenty dollars per month.

Persons losing foot and hand to have \$20 a month.

SEC. 4. *And be it further enacted*, That if any officer or other person named in the first section of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or if there be no widow, or in case of her death or marriage, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to under said act, had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer: *Provided*, That when such pension has been, or shall hereafter be, paid to the widow, such child or children shall only be en-

Widow or children of certain officers, &c., to receive pension, &c.

1862, ch. 166, § 1. Vol. xii. p. 566.

Proviso.

Farther proviso. 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. *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.

Rank, pay, &c.

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. *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.

If insufficient number attends.

Challenges. 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.

Twelve must vote for bill.

Foreman may swear witnesses.

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.