

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.

SEC. 4. *And be it further enacted*, That issues of fact in civil cases in any circuit court of the United States may be tried and determined by the court without the intervention of a jury, whenever the parties, or their attorneys of record, file a stipulation in writing with the clerk of the court waiving a jury. The finding of the court upon the facts, which finding may be either general or special, shall have the same effect as the verdict of a jury. The rulings of the court in the *court* [cause] in the progress of the trial, when excepted to at the time, may be reviewed by the supreme court of the United States upon a writ of error, or upon appeal, provided the rulings be duly presented by a bill of exceptions. When the finding is special, the review may also extend to the determination of the sufficiency of the facts found to support the judgment.

Issues of fact in civil cases may be tried by court, if, &c.

Effect of finding.

Exceptions to rulings.

SEC. 5. *And be it further enacted*, That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed.

Repealing clause.

SEC. 6. *And be it further enacted*, That this act shall take effect on the first day of June, one thousand eight hundred and sixty-five.

When act takes effect.

APPROVED, March 3, 1865.

CHAP. LXXXVII. — *An Act further to amend an Act entitled "An Act for the Collection of direct Taxes in the insurrectionary Districts within the United States, and for other Purposes," approved June seven, eighteen hundred and sixty-two.*

March 3, 1865.  
1862, ch. 98.  
Vol. xii. p. 422

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in any case in which a sale of lands or tenements has been or shall be made by a board of tax commissioners, appointed pursuant to the act of which this is an amendment, and a certificate of sale issued by the board to the purchaser or purchasers of said lands or tenements, it shall and may be lawful for the tax commissioners to issue, in such form as the Secretary of the Treasury shall prescribe, a writ, directed to the marshal of the district in which said lands or tenements are situated, commanding him to put the said purchaser or purchasers forthwith into possession of the said lands or tenements, and to make return of his proceedings under the said writ within thirty days to the commissioners, who shall keep a record of their proceedings in the matter, and who may, in case of any failure on the part of the said marshal to execute the first writ, issue alias and pluries writs, as the circumstances may to [them] seem to require. In case the marshal of the district shall be unable, either by himself or by deputy, to execute such writ, or in case there shall be no marshal of the United States within the said district at the time of the issuing of said writ, the same may be executed and returned by any fit person, to be specially appointed by the said board of tax commissioners for the purpose, which appointment shall be in writing and indorsed in the said writ: *Provided*, That where the lands or tenements so sold shall, at the time of such sale, be occupied by the United States authorities for hospital or other purposes, the issuing of such writ shall be suspended during such occupancy, and the purchaser or purchasers of such lands or tenements shall be entitled to and receive such rent or compensation for the use of such lands or tenements as the Secretary of the Treasury, under regulations prescribed by him, shall order or direct.

Tax commissioners, after sale of lands, &c., and certificate, may issue writ to put purchaser in possession.

Return.

Alias and pluries writs.

If marshal is unable to execute writ, who may do so.

Issuing of writ to be suspended if lands are occupied by the United States.

Purchasers to receive rent.

SEC. 2. *And be it further enacted*, That after the time allowed for the redemption of any lands or tenements which have been or shall be sold by a board of tax commissioners shall have passed, and after the purchase-money shall have been fully paid, the President is authorized and required to cause a patent or patents to be issued to any such person as may be the bona fide purchaser, owner, assignee, or transferee of such lands or tenements under and by virtue of any certificates of sale, or under and by virtue of any assignment or transfer of such certificate: *Provided*, That in case of an assignment or transfer of a certificate of sale, the person applying for such patent shall give satisfactory proof to the commissioner of the general land-office of the preceding transfers or assignments.

Patents when to issue for the lands purchased.

Proviso.