Power and duties.
Cashier and assistant.
Salaries.
Chiefs of divisions.
Salaries.
Messenger, assistant, and laborers.
Salary of treasurer of the United States, of assistant treasurer.
Appropriations therein.
Estimates to be submitted.

March 8, 1868.

CHAP. XC.—An Act to protect the Lives upon Vessels in certain Cases, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases now or hereafter pending wherein any ship, vessel, or other property, shall be condemned in any proceeding by virtue of the act above mentioned, or of any other laws on that subject, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such ship, vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such ship, vessel, or other property, of any bona fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such ship, vessel, or other property, under the laws of the United States or of any loyal state thereof: Provided, That no such claim shall be allowed in any case where the claimant shall have knowingly participated in the illegal use of such ship, vessel, or other property: And provided, also, That this act shall extend to such claims only as might have been enforced specifically against such ship, vessel, or other property, in any loyal state wherein such claim arose.

APPROVED, March 8, 1868.

March 8, 1868.

CHAP. XCL.—An Act to reorganize the Courts in the District of Columbia, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Supreme court established in the

* Reference is had to the act of July 12, 1861, ch. 3 (Anta, p. 285), and to the act of August 8, 1861, ch. 69 (Anta, p. 319), which were recited in the title of the bill as reported. When the act was passed, its title was changed, but this clause was not altered.
in the District of Columbia a court to be called the supreme court of the District of Columbia, which shall have general jurisdiction in law and equity. It shall consist of four justices, one of whom shall be denominated as chief justice. These justices shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices during good behavior. Each justice, before he enters upon the duties of his office, shall take the oath prescribed to be taken by judges of the courts of the United States. Any three of said justices may hold a general term, and any one of them may hold a special term, or circuit court, as hereinafter provided. A special term may be held at the same time with a circuit court and by the same justice.

SEC. 2. And be it further enacted, That the said court shall have power to appoint a clerk, who shall take the oath, and give a bond, with sureties, in the manner prescribed by law for clerks of district courts of the United States.

SEC. 3. And be it further enacted, That the supreme court organized by this act shall possess the same powers and exercise the same jurisdiction as is now possessed and exercised by the circuit court of the District of Columbia, and the justices of the court so to be organized shall severally possess the powers and exercise the jurisdiction now possessed and exercised by the judges of said circuit court. Any one of said justices may hold a district court of the United States for the District of Columbia, in the same manner and with the same powers and jurisdiction possessed and exercised by other district courts of the United States. Any one of said justices may also hold a criminal court for the trial of all crimes and offences arising within said district, which court shall possess the same powers and exercise the same jurisdiction now possessed and exercised by the criminal court of the District of Columbia.

SEC. 4. And be it further enacted, That general terms of the said supreme court shall be held at the same times at which terms of the circuit court of the District of Columbia are now required to be held, and at the same place. District courts and criminal courts shall also be held by one of said justices at the several times when such courts are now required by law to be held, and at the same place.

SEC. 5. And be it further enacted, That special terms of said supreme court shall be held by one of said justices, at such time or times as the said court, in general term, shall appoint. Non-enumerated motions in all suits and proceedings at law and in equity shall first be heard and determined at such special terms. Suits in equity, not triable by jury, shall also be heard and determined at such special terms. But the justice holding such special term may, in his discretion, order any such motion or suit to be heard, in the first instance, at a general term. Any party aggrieved by any order, judgment, or decree, made or pronounced at any such special term, may, if the same involve the merits of the action or proceeding, appeal therefrom to the general term of said supreme court, and upon such appeal the general term shall review such order, judgment, or decree, and affirm, reverse, or modify the same, as shall be just.

SEC. 6. And be it further enacted, That the said court, in general term, shall adopt such rules as it may think proper to regulate the time and manner of making appeals from the special term to the general term, and may prescribe the terms and conditions upon which such appeals may be made. Such court may also establish such other rules as it may deem necessary for regulation of the practice of the several courts organized by this act, and from time to time revise and alter such rules. It may also determine by rule what motions shall be heard at a special term, as non-enumerated motions, and what motions shall be heard at a general term in the first instance.

SEC. 7. And be it further enacted, That all issues of fact triable by a jury or by the court shall be tried before a single justice; when the trial
is by jury, at a circuit court; and when the trial is without a jury, at a circuit court or special term. Issues of law may be tried at a circuit court or special term. At any time after issue, and at least ten days before the sitting of the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least four days before the sitting of the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served; and the clerk shall thereupon enter the cause upon a calendar, according to the date of the issue.

**Sec. 8. And be it further enacted,** That if, upon the trial of a cause, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice, and afterwards settled in such manner as may be provided by the rules of the court, and then stated in writing in a case or bill of exceptions, with so much of the evidence as may be material to the questions to be raised, but such case or bill of exceptions need not be sealed or signed. The justice who tries the cause may, in his discretion, entertain a motion, to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions, or for insufficient evidence, or for excessive damages: Provided, That such motion be made at the same term or circuit at which the trial was had. When such motion is made and heard upon the minutes, an appeal to the general term may be taken from the decision, in which case a bill of exceptions or case shall be settled in the usual manner.

**Sec. 9. And be it further enacted,** That a motion for a new trial on a case or bill of exceptions, and an application for judgment on a special verdict or a verdict taken subject to the opinion of the court, shall be heard in the first instance at a general term.

**Sec. 10. And be it further enacted,** That writs and process issued out of the court hereby organized may be tested in the name of any justice of said court.

**Sec. 11. And be it further enacted,** That any final judgment, order, or decree of said court may be reexamined and reversed or affirmed in the supreme court of the United States, upon writ of error or appeal, in the same cases and in like manner as is now provided by law in reference to the final judgments, orders, and decrees of the circuit court of the United States for the District of Columbia.

**Sec. 12. And be it further enacted,** That appeals may be made from the judgments of justices of the peace to the court hereby organized in like manner and in the same cases in which such appeals are now allowed to the circuit court of the United States for the District of Columbia. Such appeals shall be heard and decided at a special term.

**Sec. 13. And be it further enacted,** That all suits and proceedings which, at the time this act takes effect, shall be pending in any of the courts hereby abolished shall be transferred to the courts to be established under the provisions of this act, and may be prosecuted therein with the same effect as they might have been in the court in which the same were commenced. Process issued out of any of said courts shall also be returned to the court hereby established.

**Sec. 14. And be it further enacted,** That justices of the peace may be removed by the court to be organized under the provisions of this act at a general term, after due notice, and an opportunity to be heard in their defence, and for causes to be assigned in the order of removal.

**Sec. 15. And be it further enacted,** That the justices to be appointed by virtue of this act shall receive an annual salary of three thousand dollars, to be paid quarterly at the treasury of the United States.

**Sec. 16. And be it further enacted,** That the court, district court, and criminal court of the District of Columbia are hereby abolished. All laws and parts of laws relating to said courts, so far as the same are applicable to the courts created by this act, are hereby con-
tinued in force in respect to such courts, and all other laws and parts of
laws relating to said circuits, district, and criminal courts, are repealed.

SEC. 17. And be it further enacted, That the President of the United
States be, and he is hereby, authorized and empowered to appoint, by
and with the advice and consent of the Senate, a suitable person, learned
in the law, to revise and codify the laws of the District of Colum-
bia.

SEC. 18. And be it further enacted, That the person who shall be thus
appointed shall receive ten dollars per day for his services whilst so em-
ployed, and shall render a final report of his revision and codification to
Congress on or before the first day of January next.

APPROVED, March 3, 1863.

CHAP. XCIL.—An Act to amend "An Act to establish a Court for the Investigation
of Claims against the United States," approved February twenty-fourth, eighteen hundred
and fifty-five.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That there shall be appointed
by the President, by and with the advice and consent of the Senate, two
additional judges for the said court, to hold their offices during good be-
havior, who shall be qualified in the same manner, discharge the same
duties, and receive the same compensation, as now provided in reference
to the judges of said court; and that from the whole number of said judges
the President shall in like manner appoint a chief justice for said court.

SEC. 2. And be it further enacted, That all petitions and bills praying
or providing for the satisfaction of private claims against the Govern-
ment, founded upon any law of Congress, or upon any regulation of an executive
department, or upon any contract, express or implied, with the Govern-
ment of the United States, shall, unless otherwise ordered by resolution
of the house in which the same are presented or introduced, be trans-
mitted by the secretary of the Senate or the clerk of the House of Rep-
resentatives, with all the accompanying documents, to the court aforesaid.

SEC. 3. And be it further enacted, That the said court, in addition to
the jurisdiction now conferred by law, shall also have jurisdiction of all
set-offs, counter-claims, claims for damages, whether liquidated or unliqui-
dated, or other demands whatsoever, on the part of the Government against
any person making claim against the Government in said court; and upon
the trial of any such cause it shall hear and determine such claim or de-
mand both for and against the Government and claimant; and if upon the
whole case it finds that the claimant is indebted to the Government, it
shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases herein provided for. Any
transcript of such judgment, filed in the clerk’s office of any district or
circuit court of the United States, shall be entered upon the records of the
court, and shall be enforced in like manner as other judgments
therein.

SEC. 4. And be it further enacted, That the said court of claims shall
hold one annual session commencing on the first Monday in October in
each year, and continuing so long as may be necessary for the prompt dis-
position of the business of the court. The said court may prescribe rules
and regulations for practice therein, and it may punish for contempt, in
the manner prescribed by common law. It may appoint commissioners,
and may generally exercise such powers as are necessary to carry out the
powers herein granted to it. The judges, solicitors, and clerks of said
court shall be admitted to the use of the congressional library, and also
the law library, until a law library be provided for them. The said court
may appoint a bailiff, who shall hold his office during four years, unless
sooner removed by said court for cause, and who shall receive a salary of

Saving and
repealing clause.

President may
appoint person to
codify laws of the
District of Colum-
bia.

Pry, and when
report.

All petitions
and bills for
private claims
against the
government
be sent to the
court.

Court to con-
sider set-offs, 
&c, for the
government.

If the court
finds that the
claimant owes
the Government,
to render judgment
therefor.

Transcript of
judgment to be
entered in dis-
trict, &c, court,
and be enforced
like other judg-
ments.

Annual session
to commence 1st
Monday in Octo-
ber.

Rules.

Commissioners.

Law library.

Bailiff.

Salary.