

Part of "Cheboygan District" added to "Lake Superior District."

present "Cheboygan District," in the State of Michigan, lying west of Lake Michigan and south of the line dividing townships forty-one and forty-two north, including Saint Martin's and the adjacent islands near the entrance to "Big Bay De Noc," now forming a part of the present Cheboygan district, and subject to sale at Traverse City, in said State, be, and the same is hereby, attached to the "Lake Superior District," and the lands therein be subject to sale and entry at the site of the land office for said district.

When act to take effect.

SEC. 2. *And be it further enacted*, That this act shall not take effect until three months after the date of its approval.

APPROVED, July 16, 1862.

July 16, 1862.

CHAP. CLXXXVII.— *An Act to impose an additional Duty on Sugars produced in the United States.*

Increased duty of certain sugars.

1862, ch. 119.
Ante, p. 463.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the duties imposed by the act entitled "An act to provide internal revenue to support the government, and to pay interest on the public debt," approved July first, eighteen hundred and sixty-two, on all brown muscovado or clarified sugars produced directly from the sugar cane, there shall be levied, collected, and paid, under the provisions of said act, upon all such sugars produced in the United States, a duty of one cent per pound; and such additional duty and the duty specified in the act aforesaid shall be levied, collected, and paid [on] all such sugars, not manufactured for consumption in the family of the producer, in the hands of the producer or manufacturer thereof or of his agent or factor, on the day of the approval of this act by the President: *Provided*, That within States or parts of States declared to be in insurrection the said duties may be collected in such manner and by such officers as the President may direct until the insurrection so declared shall cease or have been suppressed.

This act not to apply to sugar from sorghum.

SEC. 2. *And be it further enacted*, That the provisions of this act shall not apply to sugar manufactured from sorghum.

APPROVED, July 16, 1862.

July 16, 1862.

CHAP. CLXXXVIII. — *An Act to punish the fraudulent Sale or Use of Postage Stamps.*

Penalty for fraudulent sale or use of postage stamps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall wilfully remove or cause to be removed from any postage stamp or stamped envelope the cancelling or defacing marks thereon, with intent to use the same or cause the use of the same the second time, or shall knowingly or wilfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the second use thereof, every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment not exceeding three years or by fine not exceeding one thousand dollars, or by both imprisonment and fine as aforesaid; and one half such fine, when collected, shall be paid to the informer.

APPROVED, July 16, 1862.

July 16, 1862.

CHAP. CLXXXIX. — *An Act in Relation to the Competency of Witnesses, and for other Purposes.*

Competency of witnesses in the Federal courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the State in which the court shall be held shall be the rules of decision as to the com-

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.

Jurors in capital cases.
1789, ch. 20, § 29.
Vol. i. p. 88.

APPROVED, July 16, 1862.

CHAP. CXC. — *An Act prohibiting the Confinement of Persons in the Military Service 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.*

July 16, 1862.

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 District 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.

When persons in military service may be confined in penitentiary.

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, convicted 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.

When such persons now therein may be discharged.

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 penitentiary under the sentence of a court-martial for any offence not punishable 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, immediately 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 punishment as by said commutation of his said sentence may be imposed.

Mode of discharge.

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.

Convicts by court-martial not to be confined in penitentiary.

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.*

July 17, 1862.

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

Post, p. 627.

Treason, how punished.