

Collection

[HOUSE BILL, No. 239.]

HOUSE OF REPRESENTATIVES, November 29, 1864.—
Read first and second times, and made special order after Currency
and Tax bills, and from day to day, and ordered to be printed.

[By Mr. CHILTON, from Committee on Judiciary.]

A BILL

To be entitled An Act to organize the Supreme Court.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That the Supreme Court of the Confederate States, shall
3 consist of the Chief Justice and four associate justices.

1 SEC. 2. The Chief Justice shall preside over the court, and,
2 after him, the associate justices shall have precedence in the
3 order of the dates of their commissions, and, when the dates are
4 the same, in the order of their ages. Three of the justices shall
5 constitute a quorum.

1 SEC. 3. The Chief Justice shall have a salary of eight thou-
2 sand dollars, and each of the associate justices a salary of seven
3 thousand dollars per annum, payable quarterly out of the
4 treasury.

1 SEC. 4. Before entering on the duties of their offices, each of
2 said justices shall take an oath or affirmation to support the Con-
3 stitution, to administer justice without respect to persons, to do

4 equal right to the poor and to the rich, and faithfully and im-
 5 partially to perform and discharge all the duties of his office
 6 agreeably to the Constitution and laws of the Confederate States,
 7 according to the best of his ability.

1 Sec. 5. The Supreme Court shall hold two sessions annually at
 2 the seat of government, one session commencing on the first
 3 Monday of January, and another commencing on the first Mon-
 4 day of June, and to continue until the business is disposed of. If
 5 less than a quorum attend at the time appointed, any one of the
 6 justices being present may adjourn the court from day to day
 7 until a quorum be convened, or, (after ten days,) he may adjourn
 8 it until the next term, and he may make any order touching pro-
 9 cess returned or returnable to the court, or a cause pending
 10 therein, preparatory to the hearing thereof, subject to revision
 11 and reversal by the court. The Chief Justice may, at any time,
 12 call a special session of the court, causing notice thereof to be
 13 given by a weekly publication, for three weeks, in a newspaper
 14 published at the seat of government.

1 Sec. 6. The laws, applicable to the Supreme Court established
 2 under the Provisional Government, shall be applicable to the
 3 court hereby organized, so far as the same are consistent with
 4 the Constitution and this act, and all appeals and writs of error
 5 which were returnable to the former court shall be returnable to
 6 the court hereby organized.

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1 SEC. 7. From judgments and decrees rendered before the
2 secession of any State, in any court held therein, appeals and
3 writs of error shall lie to the court hereby organized in such
4 cases and in like manner as the same lay to the Supreme Court
5 of the United States before the secession, notwithstanding an
6 appeal or writ of error has been taken to the latter court and not
7 dismissed unless the cause had been decided by that court before
8 such secession. The time during which any such cause may have
9 been pending in that court shall not be included in computing the
10 time limited for taking such appeal or writ of error.

1 SEC. 8. In all cases in which the time limited for taking an
2 appeal or writ of error to the Supreme Court of the United States
3 or the Confederate States has expired since the secession of the
4 State in which the cause was determined or shall expire within
5 two years from this date, further time for taking the same shall
6 be allowed until the expiration of two years after the passage of
7 this act.

1 SEC. 9 Except in cases in which a mandate has been received
2 by a district court, as contemplated in the forty-ninth section of
3 the act "to establish the judicial courts of the Confederate States
4 of America," approved March 16th, 1861, all decrees and judg-
5 ments of the Supreme Court of the United States, rendered before
6 the secession of a State, in causes originally determined in such
7 State, and which now remain in force and not executed, may be

8 carried into execution as if they were judgments of the court
9 hereby organized, under the order, direction and process of the
10 Supreme Court, and for that purpose, if necessary, the court may
11 cause the tenor, substance or effect of such judgment and decrees
12 to be proved, under such rules as it may establish, as in case of a
13 record lost or destroyed, and upon such proof, if sufficient, may
14 cause any such judgment or decree to be carried into execution,
15 as aforesaid