

AMENDMENT TO ORGANIC ACT OF NEVADA.

MEMORIAL

OF THE

LEGISLATURE OF NEVADA TERRITORY,

ASKING FOR

*An amendment of their organic act.*

APRIL 16, 1864.—Referred to the Committee on the Territories and ordered to be printed.

MEMORIAL TO CONGRESS.

Whereas the large and increasing population of Nevada Territory, and the vast and important amount of business daily increasing in every branch of trade and manufacture, have filled our courts of justice with causes of litigation; and whereas the number of judges of the district court is inadequate for the adjudication of business of said courts, the attainment of speedy justice, and the settlement of title and possession of property of immense value: Therefore,

*Be it resolved by the council, (the assembly concurring,) as follows: Resolved,* That the Congress of the United States be, and are hereby, requested to modify section nine of the act entitled "An act to organize the Territory of Nevada," approved March 2, 1861, so that said section may read as follows: Sec. 9. And be it further enacted, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum, and who shall hold one or more terms at the seat of government of said Territory annually, as may be prescribed by law, and they shall hold their offices during the period of four years. The said Territory shall be divided into four judicial districts, and terms shall be held in each of said districts, by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and justices of the peace, shall be as limited by law; provided, that such civil and criminal jurisdiction may be conferred on the several probate courts as may be prescribed by law; and provided further, that justices of the peace shall not have jurisdiction of any matter in controversy, when the title of boundaries of land may be in dispute, or when the debt or sum claimed shall exceed five hundred dollars; and the district courts shall possess chancery as well as common law jurisdiction, and authority for redress of all wrongs committed against the Constitution or laws of

the United States or of the Territory affecting persons or property. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office in the place where the court may be held; writs of error, bills of exception and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case, removed to the supreme court, shall trial by jury be allowed in said court, nor shall the district judge, from whom an appeal may be taken, be allowed to review the judgment, order, or decree appealed from. The supreme court, or justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme courts shall be allowed or may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy shall exceed one thousand dollars, to be ascertained by the oath or affirmation of either party, or other competent witness; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is invested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases such fees as may be provided by law.

*Resolved*, That the secretary of the Territory be, and he is hereby, instructed to transmit a copy of the above resolutions to the President of the United States, to the President of the Senate and Speaker of the House of Representatives in Congress, and to our delegate in Congress, and that the Hon. Gordon N. Mott be instructed to urge upon Congress the adoption of the amendment to the organic act therein specified.

Approved February 20, 1864.

TERRITORY OF NEVADA, SECRETARY'S OFFICE,

*Carson City, March 5, 1864.*

SIR: I have been instructed by the governor and legislative assembly to transmit to you a copy of certain resolutions which I have marked in the enclosed copy of the "Virginia Daily Union" of the 4th instant, under the head of "Memorial to Congress."

I have the honor to be, very respectfully, your obedient servant,

ORION CLEMENS,

*Secretary of Nevada Territory.*

[SEAL.]

Hon. GORDON N. MOTT, M. C.,

*Delegate in House of Representatives, Washington, D. C.*