

And for engrossing the same, if on parchment, including the parchment, twenty cents;

Fees of the clerks.

And if on paper, for each sheet of ninety words, ten cents;

Swearing each witness in court, ten cents;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services, herein mentioned.

All money deposited in court, one and a quarter per cent.

SEC. 3. *Fees of the marshal in the district court, in admiralty and maritime causes.*

Of the Marshals.

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

Serving every capias, attachment or summons, one dollar and fifty cents;

Travelling each mile, going only, either to serve process, or subpoena witnesses, ten cents;

Custody fees of a vessel, for each day, one dollar and fifty cents;

Sales, for any sum under five hundred dollars, two and an half per cent.; and for any larger sum, one and a quarter per cent. upon the excess.

SEC. 4. *And be it further enacted,* That there be allowed and taxed in the supreme, circuit and district courts of the United States, in favour of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys and counsellors' fees, except in the district courts in cases of admiralty and maritime jurisdiction, as are allowed in the supreme or superior courts of the respective states.

Allowance to attendants on supreme, circuit or district courts how to be ascertained.

SEC. 5. *And be it further enacted,* That this act shall continue and be in force for the term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

1796, ch. 11.

APPROVED March 1, 1793.

STATUTE II.

CHAP. XXI.—*An Act making an appropriation to defray the expense of a Treaty with the Indians northwest of the Ohio.*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding one hundred thousand dollars, arising from the surplus of former appropriations unexpended, shall be, and the same is hereby appropriated to defraying the expense of negotiating and treating with the hostile Indian tribes northwest of the river Ohio.

[Obsolete.]  
Appropriation to defray expense of treaty with certain Indians.

SEC. 2. *And be it further enacted,* That each of the commissioners, who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his necessary expenses, of eight dollars per day, during his actual service, to be paid out of the monies so appropriated.

Allowance to the commissioners, &c.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXII.—*An Act in addition to the Act, entitled "An Act to establish the Judicial Courts of the United States."*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the attendance of only one of the justices of the supreme court, at the several circuit courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said justices notwithstanding: *Provided,* That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said justices to attend the circuit court or courts, and it shall be the duty of the justices so assigned, to attend

[Obsolete.]  
Attendance of one supreme judge at a circuit court deemed sufficient, except in certain cases.

1789, ch. 20.

accordingly. *And provided also*, That when only one judge of the supreme court shall attend any circuit court and the district judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause, then pending, such circuit court may consist of the said judge of the supreme court alone

1802, ch. 31.

Rule for giving judgment in circuit courts in certain cases.

SEC. 2. *And be it further enacted*, That if at any time only one judge of the supreme court, and the judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion, it shall be continued to the succeeding court; and if upon the second hearing when a different judge of the supreme court shall be present, a like division shall take place, the district judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding judge.

Judges of supreme court may direct special sessions of circuit courts for trial of criminal causes.

SEC. 3. *And be it further enacted*, That the supreme court, or when the supreme court shall not be sitting, any one of the justices thereof together with the judge of the district within which a special session as hereafter authorized shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed, than the place or places, appointed by law for the ordinary sessions: That the clerk of such circuit court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same, to be notified for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court: That all business depending for trial at any special court, shall at the close thereof be considered as of course removed to the next stated term of the circuit court: And that the district courts of Maine and Kentucky, shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions.

Duty of clerk in such cases;

Such sessions may be adjourned.

Privilege granted to district courts of Maine and Kentucky.

Bail for appearance by whom taken.

SEC. 4. *And be it further enacted*, That bail for appearance in any court of the United States, in any criminal cause in which bail is by law allowed, may be taken by any judge of the United States, any chancellor, judge of a supreme or superior court, or chief or first judge of a court of common pleas of any state, or mayor of a city in either of them, and by any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail; which authority, revocable at the discretion of such court, any circuit court or either of the district courts of Maine or Kentucky, may give to one or more discreet persons learned in the law in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before named officers, such provision shall, in the opinion of the court, be necessary.—*Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States, to any description of persons to take bail.

Writs of ne exeat by whom and when granted.

SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the supreme court in cases where they might be granted by the supreme or a circuit court;(a) but

(a) The district judges of the courts of the United States have no authority to issue writs of ne exeat. *Gernon v. Boecaline*, 2 Wash. C. C. R. 130.

no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a state; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

SEC. 6. *And be it further enacted*, That subpoenas for witnesses who may be required to attend a court of the United States, in any district thereof, may run into any other district: *Provided*, That in civil causes, the witnesses living out of the district in which the court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

*Subpoenas for witnesses how far to extend.*

SEC. 7. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation and otherwise in a manner not repugnant to the laws of the United States, to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

*Courts to make rules for returning writs, &c.*

SEC. 8. *And be it further enacted*, That where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the state; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods, without an appraisement.

*Goods taken on writ of fieri facias how to be appraised.*

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXIII.—*An Act to alter the times and places of holding the Circuit Courts, in the Eastern District, and in North Carolina, and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the spring circuit courts of the eastern district, instead of being held at the times and places now established by law for holding the same, shall from henceforth be held at the times and places following respectively, namely; for the district of New York, at New York, on the fifth day of April; for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont, at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June. And if any of the said days shall happen on a Sunday, the

[Obsolete.]

*Times for holding spring circuits of eastern district and N. Carolina altered.*

1790, ch. 17.

1797, ch. 27.

1806, ch. 13.

The affidavit upon which the writ will issue, must be positive to a debt, or to the belief of the plaintiff that a certain balance is due. *Ibid.*

The Circuit Court of the United States for the district of Pennsylvania awarded a writ of ne exeat on the proper affidavit being made. *Ibid.*