STATUTE I.
Feb. 20, 1812.

CHAP. XXIV.—*An act authorizing the Secretary of the Treasury to locate the Lands reserved for the use of Jefferson College, in the Mississippi territory.*

[Obsolete.]
The Secretary of the Treasury to locate in one body the thirty-six sections of land reserved for Jefferson College by the act of March 3, 1803, sec. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and empowered to locate in one body, the thirty-six sections of land reserved for the use of Jefferson college in the Mississippi territory, by an act, entituled "An act regulating the grants of land, and providing for the sale of the lands of the United States south of the state of Tennessee," passed on the third day of March, one thousand eight hundred and three, on any lands within the said territory not sold, or otherwise disposed of, and to which the Indian title has been extinguished.

APPROVED, February 20, 1812.

STATUTE I.
Feb. 20, 1812.

CHAP. XXV.—*An Act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States.*(a)

Act of March 1, 1817, ch. 30.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the

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(a) The decisions of the Courts of the United States upon the law of Bail have been:

Bail in Criminal Cases.—The circuit court has no authority to issue a *habeas corpus* for the purpose of surrendering a principal in discharge of his bail, when the principal is confined in jail merely under the process of a state court; nor will the court discharge the bail of such party, who has become bound by recognizance in the circuit court to answer, &c., merely on account of such impediment; but, in their discretion, the court will respite the recognizance. U. S. *v.* Jonathan French, 1 Gallis. C. C. R. 1.

The mere continuance of a cause, on sufficient grounds exhibited by the district attorney, constitutes no reason why the court should admit a defendant who is in confinement, to bail. But if the court is satisfied that the health of the accused is such as that his life will be endangered by his being kept in confinement until next term, it furnishes a strong ground for bail. The U. S. *v.* Jones, 3 Wash. C. C. R. 209.

Probable cause, on oath, must be stated, to justify the holding a defendant to bail under the 3d sec. of the act of Congress of 26th Feb. 1795, ch. 31. Leonard *v.* Caskin, Bee's Adm. Decis. 146.

Aaron Burr, charged with carrying on a military expedition against a nation with whom the United States were at peace, was admitted to bail. 1 Burr's Trial, 18.

The postponement of a criminal case, on the application of the defendant, to allow him an opportunity to obtain testimony, is not a cause of bail. The U. S. *v.* Stewart. C. C. U. S. of Pennsylvania, 2 Dall. 345.

The circumstances must be very strong, which will, at any time, induce the court to admit a person to bail who stands charged with high treason. *Ibid.*

The supreme court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a person committed for trial on a criminal charge, by a district judge of the United States. U. S. *v.* Hamilton, 3 Dall. 13.

The marshal of the United States of the Connecticut district, upon a writ of attachment sued out by the United States, to recover a penalty, may commit a defendant to prison for want of bail, without a mittimus from a state magistrate, as is required by the local laws of the state; for such municipal regulation does not bind the officers of the United States. Palmer *v.* Allen, 7 Cranch, 560; 2 Cond. Rep. 607.

Bail in Civil Cases.—The bail is fixed by the death of the principal, after the return of a capias ad satisfaciendum, and before the return of the scire facias; and the bail is not entitled to an exoneretur in such a case. Davidson *v.* Taylor, 12 Wheat. 604; 6 Cond. Rep. 660.

Demanding excessive bail, where the plaintiff has a good cause of action, or holding to bail where there is no cause of action, if done vexatiously, entitles the party injured to an action for a malicious prosecution. If bail be not demanded, no such action will lie. Ray *v.* Law, Peters' C. C. R. 207.

Pennsylvania. The circuit court will discharge, on common bail, a defendant who has been arrested for a debt contracted in the state in which he has, subsequent to the commencement of the suit, been discharged by the insolvent laws of the state. Read *v.* Chapman, Peters' C. C. R. 404.

Pennsylvania. Where a capias has been issued against a person who has been discharged from the debt for which it was issued, by the insolvent laws of the state in which it was contracted, the court will not quash the writ, but will discharge the defendant on common bail. *Ibid.*

On a rule to show cause why the defendant should not be discharged on common bail, he having been discharged under the insolvent laws of Pennsylvania; evidence to show that the discharge had been fraudulently obtained, cannot be given. Campbell et al. *v.* Claudius, Peters' C. C. R. 484.

Pennsylvania. Where the debt has been contracted and made payable out of the state, the circuit court will not discharge, on common bail, a defendant arrested for such debt, notwithstanding his discharge by the insolvent laws of the state in which the action was brought. *Ibid.*

After bail given, and plea pleaded, the defendant cannot arrest the judgment on the ground of a misnomer. Scull *v.* Briddle, 2 Wash. C. C. R. 200.

The proceedings were amended by the recognizance of bail, and the name of the defendant in the recognizance was inserted in the declaration. *Ibid.*

The court are not precluded from obtaining further satisfaction as to the debt sworn to in an affidavit to