

SEC. 2. *And be it further enacted*, That there shall be, and hereby is appropriated for the erection of said lighthouse on Cape Poge, a sum not exceeding two thousand dollars, to be paid out of any monies which may be in the treasury of the United States, not otherwise appropriated.

Appropriation.

APPROVED, January 30, 1801.

STATUTE II.

CHAP. IV.—*An Act to provide for the more convenient organization of the Courts of the United States.*

Feb. 13, 1801.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the next session of the Supreme Court of the United States, the said court shall be holden by the justices thereof, or any four of them, at the city of Washington, and shall have two sessions in each and every year thereafter, to commence on the first Monday of June and December respectively; and that if four of the said justices shall not attend within ten days after the times hereby appointed for the commencement of the said sessions respectively, the said court shall be continued over till the next stated session thereof: *Provided always*, that any one or more of the said justices, attending as aforesaid, shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceeding, returned to the said court or depending therein, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings.

Repealed by Act of April 29, 1802, ch. 31.

Terms of the Supreme Court.

The court to be holden at the city of Washington, by four justices.

To adjourn if four justices do not attend.

One or more of the justices attending may make rules and orders respecting courts, &c.

SEC. 2. *And be it further enacted*, That the said court shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire facias, habeas corpus, certiorari, procedendo, and all other writs not specially provided for by statute, which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law.

Court to have power to issue certain writs.

SEC. 3. *And be it further enacted*, That from and after the next vacancy that shall happen in the said court, it shall consist of five justices only; that is to say, of one chief justice, and four associate justices.

The court to consist of five justices after the next vacancy.

SEC. 4. *And be it further enacted*, That for the better establishment of the circuit courts of the United States, the said states shall be, and hereby are divided into districts, in manner following; that is to say, one to consist of that part of the state of Massachusetts, which is called the district of Maine, and to be called the district of Maine; one to consist of the state of New Hampshire, and to be called the district of New Hampshire; one to consist of the remaining part of the state of Massachusetts, and to be called the district of Massachusetts; one to consist of the state of Rhode Island and Providence Plantations, and to be called the district of Rhode Island; one to consist of the state of Connecticut, and to be called the district of Connecticut; one to consist of the state of Vermont, and to be called the district of Vermont; one to consist of that part of the state of New York which lies north of the counties of Dutchess and Ulster, and to be called the district of Albany; one to consist of the remaining part of the state of New York, and to be called the district of New York; one to consist of the state of New Jersey, and to be called the district of Jersey; one to consist of that part of the state of Pennsylvania which lies east of the river Susquehanna, and the northeast branch thereof, to the line betwixt Northumberland and Luzerne counties; thence westwardly along said line, betwixt Northumberland and Luzerne, and betwixt Luzerne and Lycoming counties, until the same strikes the line of the state of New York, and to be called the Eastern district of Pennsylvania; one to consist of the remaining part of the state of Pennsylvania, and to be called the

Division of the states into districts in relation to the Circuit Courts.

Maine.

New Hampshire.

Rhode Island.

Connecticut.

Vermont.

New York.

New Jersey.

Pennsylvania.

- Delaware. Western district of Pennsylvania; one to consist of the state of Delaware, and to be called the district of Delaware; one to consist of the state of Maryland, and to be called the district of Maryland; one to consist of that part of the state of Virginia, which lies to the eastward of a line to be drawn from the river Potomac at Harper's ferry, along the Blue Ridge, with the line which divides the counties on the east side thereof from those on the west side thereof, to the North Carolina line, to be called the Eastern district of Virginia; one to consist of the remaining part of the said state of Virginia, to be called the Western district of Virginia; one to consist of the state of North Carolina, and to be called the district of North Carolina; one to consist of the state of South Carolina, and to be called the district of South Carolina; one to consist of the state of Georgia, and to be called the district of Georgia; one to consist of that part of the state of Tennessee which lies on the east side of Cumberland mountain, and to be called the district of East Tennessee; one to consist of the remaining part of said state, and to be called the district of West Tennessee; one to consist of the state of Kentucky, and to be called the district of Kentucky; and one to consist of the territory of the United States northwest of the Ohio, and the Indiana territory, and to be called the district of Ohio.
- North Carolina. South Carolina. Georgia. Tennessee. Kentucky. Ohio.
- Waters and mountains to be considered as within both the adjoining districts.
- SEC. 5. *And be it further enacted*, That where any two adjoining districts of the United States shall be divided from each other, in whole or in part, by any river, bay, water, water-course or mountain, the whole width of such river, bay, water, water-course or mountain, as the case may be, shall be taken and deemed, to all intents and purposes, to be within both of the districts so to be divided thereby.
- Classification of the districts into six circuits.
- SEC. 6. *And be it further enacted*, That the said districts shall be classed into six circuits in manner following; that is to say: The first circuit shall consist of the districts of Maine, New Hampshire, Massachusetts, and Rhode Island; the second, of the districts of Connecticut, Vermont, Albany and New York; the third, of the districts of Jersey, the Eastern and Western districts of Pennsylvania, and Delaware; the fourth, of the districts of Maryland, and the Eastern and Western districts of Virginia; the fifth, of the districts of North Carolina, South Carolina, and Georgia; and the sixth, of the districts of East Tennessee, West Tennessee, Kentucky, and Ohio.
- Three judges to be appointed for the circuits, except the sixth circuit.
- SEC. 7. *And be it further enacted*, That there shall be in each of the aforesaid circuits, except the sixth circuit, three judges of the United States, to be called circuit judges, one of whom shall be commissioned as chief judge; and that there shall be a circuit court of the United States, in and for each of the aforesaid circuits, to be composed of the circuit judges within the five first circuits respectively, and in the sixth circuit, by a circuit judge, and the judges of the district courts of Kentucky and Tennessee; the duty of all of whom it shall be to attend, but any two of whom shall form a quorum; and that each and every of the said circuit courts shall hold two sessions annually, at the times and places following, in and for each district contained within their several circuits respectively; that is to say, the circuit court of the first circuit, at Providence on the eighth day of May, and at Newport on the first day of November, in and for the district of Rhode Island; at Boston, in and for the district of Massachusetts, on the twenty-second day of May and fifteenth day of October; at Portsmouth on the eighth day of June, and at Exeter on the twenty-ninth day of September, in and for the district of New Hampshire; in and for the district of Maine, at Portland on the fifteenth day of June, and at Wiscasset on the twenty-second day of September. The circuit court of the second circuit, at New Haven on the fifteenth day of April, and at Hartford, on the twenty-fifth day of September, in and for the district of Connecticut; at Windsor on the fifth day of May, and at Rutland on the fifteenth day of October, in and
- Times of holding the circuit courts.
- Massachusetts. New Hampshire. Maine. Connecticut. Vermont.

for the district of Vermont; at the city of Albany, in and for the district of Albany, on the twentieth day of May and twenty-fifth day of October; at the city of New York, in and for the district of New York, on the fifth day of June and the tenth day of November. The circuit court of the third circuit, at Trenton, in and for the district of Jersey, on the second days of May and October; at the city of Philadelphia, in and for the Eastern district of Pennsylvania, on the eleventh day of May and eleventh day of October; at Bedford, in and for the Western district of Pennsylvania, on the twenty-fifth day of June and twenty-fifth day of November; and at Dover, in and for the district of Delaware, on the third day of June and twenty-seventh day of October. The circuit court of the fourth circuit, at Baltimore, in and for the district of Maryland, on the twentieth day of March and fifth day of November; at Lexington in Rockbridge county, in and for the Western district of Virginia, on the fifth day of April and twentieth day of November; and at the city of Richmond, in and for the Eastern district of Virginia, on the twenty-fifth day of April, and fifth day of December. The circuit court of the fifth circuit, at Raleigh, in and for the district of North Carolina, on the first day of June and the first day of November; at Charleston on the sixth day of May, and at Columbia on the thirtieth day of November, in and for the district of South Carolina; at Savannah on the tenth day of April, and at Augusta on the fifteenth day of December, in and for the district of Georgia; and the circuit court of the sixth circuit, at Knoxville, in and for the district of East Tennessee, on the twenty-fifth day of March and twenty-fifth day of September; at Nashville, in and for the district of West Tennessee, on the twentieth day of April and twentieth day of October; and at Bairdstown, in and for the district of Kentucky, on the fifteenth day of May and fifteenth day of November; and at Cincinnati in and for the district of Ohio, on the tenth day of June and on the tenth day of December; and so on the several days and at the several places aforesaid, in each and every year afterwards: *Provided always*, that when any of the said days shall happen on Sunday, then the said court hereby directed to be holden on such day, shall be holden on the next day thereafter; and provided also, that there shall be appointed, in the sixth circuit, a judge of the United States, to be called a circuit judge, who together with the district judges of Tennessee and Kentucky, shall hold the circuit courts, hereby directed to be holden, within the said circuit; and that whenever the office of district judge, in the districts of Kentucky and Tennessee respectively, shall become vacant, such vacancies shall respectively be supplied by the appointment of two additional circuit judges, in the said circuit, who, together with the circuit judge first aforesaid, shall compose the circuit court of the said circuit.

SEC. 8. *Provided always, and be it further enacted*, That the said circuit courts hereby established shall have power, and hereby are authorized, to hold special sessions, for the trial of criminal causes, at any other time or times than is hereby directed, at their discretion.

SEC. 9. *And provided also, and be it further enacted*, That if in the opinion of any judge of any of the said circuit courts, it shall be dangerous to hold the next stated session of such court, for any district within the circuit to which such judge shall belong, at the place by law appointed for holding the same; it shall be lawful for such judge to issue his order, under his hand and seal, to the marshal of such court, directing him to adjourn the said session, to such other place within the same district as the said judge shall deem convenient; which said marshal shall, thereupon, adjourn the said court pursuant to such order, by making, in one or more public papers, printed within the said district, publication of such order and adjournment, from the time when he shall receive such order to the time appointed by law for commencing such stated

New York two districts.

New Jersey.

Pennsylvania.

Delaware.

Maryland.

Virginia.

North Carolina.

South Carolina.

Georgia.

East Tennessee.

West Tennessee.

Kentucky.

Ohio.

Sixth Circuit.

The circuit courts may hold special sessions.

A judge of the circuit court may alter the place of its meeting.

session : and that the court so to be held, according to, and by virtue of such adjournment, shall have the same powers and authorities, and shall proceed in the same manner, as if the same had been held at the place appointed by law for that purpose.

General powers of the circuit courts.

SEC. 10. *And be it further enacted,* That the circuit courts shall have, and hereby are invested with, all the powers heretofore granted by law to the circuit courts of the United States, unless where otherwise provided by this act.

Subjects of the cognizance of the circuit courts.

SEC. 11. *And be it further enacted,* That the said circuit courts respectively shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas ; and also of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made, under their authority ; and also of all actions, or suits of a civil nature, at common law, or in equity, where the United States shall be plaintiffs or complainants ; and also of all seizures on land or water, and all penalties and forfeitures, made, arising or accruing under the laws of the United States ; which cognizance of all penalties and forfeitures, shall be exclusively of the state courts, in the said circuit courts, where the offence, by which the penalty or forfeiture is incurred, shall have been committed within fifty miles of the place of holding the said courts ; and also of all actions, or suits, matters or things cognizable by the judicial authority of the United States, under and by virtue of the constitution thereof, where the matter in dispute shall amount to four hundred dollars, and where original jurisdiction is not given by the constitution of the United States to the supreme court thereof, or exclusive jurisdiction by law to the district courts of the United States : *Provided always,* that in all cases where the title, or bounds of land shall come into question, the jurisdiction of the said circuit courts shall not be restrained, by reason of the value of the land in dispute.

Circuit courts and judges to have cognizance under the bankrupt law.

SEC. 12. *And be it further enacted,* That the said circuit courts respectively shall have cognizance concurrently with the district courts, of all cases which shall arise, within their respective circuits, under the act to establish a uniform system of bankruptcy throughout the United States ; and that each circuit judge, within his respective circuit, shall and may perform all and singular the duties enjoined by the said act, upon a judge of a district court : and that the proceedings under a commission of bankruptcy, which shall issue from a circuit judge, shall in all respects be conformable to the proceedings under a commission of bankruptcy, which shall issue from a district judge, *mutatis mutandis.*

Certain suits may be removed from the state courts.

SEC. 13. *And be it further enacted,* That where any action or suit shall be, or shall have been commenced, in any state court within the United States, against an alien, or by a citizen or citizens of the state in which such suit or action shall be, or shall have been commenced against a citizen or citizens of another state, and the matter in dispute, except in cases where the title or bounds of land shall be in question, shall exceed the sum or value of four hundred dollars, exclusive of costs, and the defendant or defendants in such suit or action shall be personally served with the original process therein, or shall appear thereto ; or where, in any suit or action, so commenced or to be commenced, final judgment, for a sum exceeding four hundred dollars, exclusive of costs, shall have been rendered in such state court, against such defendant or defendants, without return of personal service on him, her, or them, of the original process in such suit or action, and without an appearance thereto, by him, her, or them, and a writ of error, or writ of review, shall be brought by such defendant or defendants, in such state court, to reverse the said judgment ; or where any suit or action shall have been, or shall be commenced in any such court, against any person or

Manner of removal.

persons, in any case arising under the constitution or laws of the United States, or treaties made or to be made under their authority; then, and in any of the said cases, it shall be lawful for the defendant or defendants, in such suit or action, at the time of entering his, her, or their appearance thereto, and for the plaintiff, or plaintiffs in such writ of error, or writ of review, at the time when such writ shall be returnable, to file in such court a petition for the removal of such suit, action, writ of error, or writ of review, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden, and to offer to such state court good and sufficient surety for entering, in such circuit court, on the first day of its next ensuing session, true copies of the process and proceedings, in such action, suit, writ of error, or writ of review, and also for his, her, or their appearance in the said circuit court, at the period aforesaid, and then and there entering special bail, in the said suit, or action, if special bail was originally demandable, and demanded therein; whereupon it shall be the duty of the said state court to accept the said security, and to stay all further proceedings in such suit, action, writ of error, or writ of review, and to discharge any bail that may have been given therein; and that the said copies being filed as aforesaid in such circuit court, and special bail, in manner aforesaid, being given therein, such suit, action, writ of error, or writ of review, shall be therein proceeded on, tried, heard and determined, in the same manner as if there originally commenced or brought: *Provided always*, that any attachment of the goods or estate of the defendant, by the original process in such suit or action, shall hold the goods or estate so attached, to answer the final judgment in the said circuit court, in the same manner as by the laws of the state they would have been holden, to answer the final judgment, had it been rendered by the court in which the suit or action was commenced.

SEC. 14. *And be it further enacted*, That when any suit or action, commenced, or to be commenced, in any state court within the United States, between citizens of the same state, the title or bounds of land shall come into question, it shall be lawful for either party, before trial, to state to the said court, and make affidavit if thereby required, that he, she, or they, doth or do claim under, and at the hearing or trial shall rely upon a right or title to the lands in dispute, under a grant, or grants, from a state other than that wherein such suit or action is, or shall be pending; and to produce to the said court the original grant, or grants, so claimed under, or exemplifications thereof, except in cases where the loss of public records shall put it out of his, her or their power so to do; and to move that the adverse party do inform the said court, forthwith, whether he, she, or they, doth or do claim the land in dispute, under a grant or grants from the state wherein such suit or action is, or shall be pending; whereupon the said adverse party shall give such information, or otherwise not be allowed to plead, or give in evidence, in the cause any such grant; and that if it shall appear from such information, that the said adverse party doth claim the said lands, under any such grant, or grants, then it shall be lawful for the party moving for such information, if plaintiff or complainant in the said suit or action, to remove the same, by motion, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden; and if defendant in the said suit or action, then to remove the same, as aforesaid, in the same manner, and under the like regulations, terms, and conditions, as are provided in and by the preceding section of this act, in the cases of actions thereby directed to be removed; and that the said circuit courts respectively, into which such suit or action shall be removed, pursuant to the provisions in this section contained, shall proceed in, try, hear and determine the same, in like manner as if therein

Certain suits may be removed from the state courts.

Proceedings when both parties to a suit claim under the same title to lands under different states.

Proviso as to pleading.

brought by original process: *Provided always*, that neither party, so removing any suit or action, shall be allowed, on the trial or hearing thereof, to plead, give evidence of, or rely on, any other title than that by him, her, or them, so stated as aforesaid, as the ground of his, her, or their claim.

One judge of the circuit court may hold the court for five days and do certain acts therein.

SEC. 15. *And be it further enacted*, That any one judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, to hold the same from day to day, not exceeding five days, to impanel and charge the grand jury, to order process on any indictment or presentment found in the said court; to direct subpoenas for witnesses to attend the same, and the requisite process on the non-attendance of witnesses or jurors; to receive any presentment or indictment from the grand jury; to take recognizance for the attendance of any witness, or for the appearance of any person, presented or indicted; to award and issue process, and order commitment for contempts; to commit any person presented or indicted, for want of security or otherwise; to order publication of testimony; to issue commissions for the examination of witnesses, where allowable by law; to grant rules and orders of survey; to take order, where necessary, relative to jurors, to serve at the next stated session of the said court; to direct the examination of witnesses *de bene esse*, where allowed by law; to make rules of reference by consent of parties; and to grant continuances on the motion of either party, upon such terms and conditions, as shall be agreeable to practice and the usages of law; and that if some other judge of the said court shall not attend the same within five days after the commencement thereof, inclusive, then the said court shall, by virtue of this act, be continued over to the next stated session thereof; in which case, all writs, process, and recognizances, returned and returnable to the said court, and all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending before the said court, shall, by virtue of this act, be continued to the next stated session of the same.

Adjournment if another judge does not attend.

In civil suits no arrest shall be made in one district for trial in another, and no original civil process shall be brought but against inhabitants of the district or such as are found therein.

SEC. 16. *And be it further enacted*, That no person shall be arrested in one of the said districts, for trial in another, before any of the said circuit courts in any civil action; and that no civil action or suit shall be brought before any of the said courts, by any original process, against an inhabitant of the United States, in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ; nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents, if no assignment had been made, except in cases of foreign bills of exchange.

Suits founded on assignments. Trial by jury.

SEC. 17. *And be it further enacted*, That the trials of all issues of fact, before any of the circuit courts hereby established, except in cases of equity, and admiralty and maritime jurisdiction, shall be by jury.

Writs of ne-exeat and injunctions.

SEC. 18. *And be it further enacted*, That any judge of any of the said circuit courts shall be, and hereby is authorized and empowered, in all cases cognizable by the circuit court, whereof he shall be a judge, to grant writs of ne-exeat, and writs of injunction to stay waste, or to stay proceedings at law, on any judgment rendered by such circuit court, upon the like terms and conditions as such writs may be now granted, by the justices of the Supreme Court of the United States.

Removal of prisoners in case of danger.

SEC. 19. *And be it further enacted*, That if in the opinion of any circuit judge, of the circuit within which such district may be situated, the life or lives of any person or persons, confined in the prison of such district, under or by virtue of any law of the United States, shall be in imminent danger, arising from the place of such confinement, it shall, in such case, be lawful for such judge, and he is hereby authorized and empowered, to direct the marshal of such district to remove,

or cause to be removed, the person or persons so confined, to the next adjacent prison, there to be confined, until he, she, or they, may safely be removed back, to the place of his, her, or their first confinement; and that the said removals shall be at the expense of the United States.

SEC. 20. *And be it further enacted,* That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in any of the present circuit courts of the United States, or in any of the present district courts of the United States, acting as circuit courts, shall be, and hereby are, continued over to the circuit courts established by this act, in manner following, that is to say: all such as shall, on the fifteenth day of June next, be depending and undetermined, or shall then have been commenced and made returnable before the district court of Maine, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Maine; all such as shall be depending and undetermined before the circuit court for the district of New Hampshire, to the next circuit court hereby directed to be holden, within and for the district of New Hampshire; all such as shall be depending and undetermined before the circuit court for the district of Massachusetts, to the next circuit court hereby directed to be holden, within and for the district of Massachusetts; all such as shall be depending and undetermined before the circuit court of the district of Rhode Island, to the next circuit court hereby directed to be holden, within and for the district of Rhode Island; all such as shall be depending or undetermined before the circuit court for the district of Connecticut, to the next circuit court hereby directed to be holden, within and for the district of Connecticut; all such as shall be depending and undetermined before the circuit court for the district of Vermont, to the next circuit court hereby directed to be holden, within and for the district of Vermont; all such as shall be depending and undetermined before the circuit court for the district of New York, to the next circuit court hereby directed to be holden, within and for the district of New York; all such as shall be depending and undetermined before the circuit court for the district of New Jersey, to the next circuit court hereby directed to be holden, within and for the district of Jersey; all such as shall be depending and undetermined before the circuit court for the district of Pennsylvania, to the next circuit court hereby directed to be holden, within and for the eastern district of Pennsylvania; all such as shall be depending and undetermined before the circuit court for the district of Delaware, to the next circuit court hereby directed to be holden, within and for the district of Delaware; all such as shall be depending and undetermined before the circuit court for the district of Maryland, to the next circuit court hereby directed to be holden, within and for the district of Maryland; all such as shall be depending and undetermined before the circuit court for the district of Virginia, to the next circuit court hereby directed to be holden, within and for the eastern district of Virginia; all such as shall be depending and undetermined before the circuit court for the district of North Carolina, to the next circuit court hereby directed to be holden, within and for the district of North Carolina; all such as shall be depending and undetermined before the circuit court for the district of South Carolina, to the next circuit court hereby directed to be holden, within and for the district of South Carolina; all such as shall be depending and undetermined before the circuit court for the district of Georgia, to the next circuit court hereby directed to be holden, within and for the district of Georgia; all such as shall be depending and undetermined before the district court of Tennessee, acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of East Tennessee; all such as shall be depending and undetermined before the district court of Kentucky,

Continuance
of suits now de-
pending in the
circuit courts.

acting as a circuit court, to the next circuit court hereby directed to be holden, within and for the district of Kentucky; and shall there be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been, if this act had not been made.

Additional district courts established.

Sec. 21. *And be it further enacted*, That for the better dispatch of the business of district courts of the United States, in the districts of Jersey, Maryland, Virginia, and North Carolina, additional district courts shall be established therein, in manner following, that is to say: The said district of Jersey shall be divided into two districts; one to consist of that part thereof, which is called East New Jersey, and to be called the district of East Jersey; a district court, in and for which, shall be holden at New Brunswick, by the district judge of the district of Jersey, on the fourth Tuesday in May, and on the fourth Tuesday in November, in each and every year; and one other, to consist of the remaining part of the said district of Jersey, and to be called the district of West Jersey, a district court, in and for which, shall be holden at Burlington, by the district judge last aforesaid, on the fourth Tuesday in February, and on the fourth Tuesday in August, in each and every year. And a new district shall be established, in the districts of Maryland and Virginia, to consist of the territory of Columbia, of all that part of the district of Maryland, which lies west and southwest of the river Patuxent, and of the western branch thereof, and south of the line which divides the county of Montgomery in the last mentioned district, from the county of Frederick, and of a line to be drawn from the termination of the last mentioned line, a northeast course to the western branch of the Patuxent; and of all that part of the district of Virginia, which lies north of the river Rappahannock, and east of the line which divides the counties of Fauquier and Loudon, in the last mentioned district from the counties of Fairfax, Prince William, and Stafford; which new district shall be called the district of Potomac, and a district court in and for the same, shall be holden at Alexandria, by the district judge of the district of Maryland, on the first Tuesday in April, and the first Tuesday in October, in each and every year. And there shall be a new district established in the district of Virginia, to be called the district of Norfolk, and to consist of all that part of the said district of Virginia, which is contained within the counties of Isle of Wight, Nansemond, Norfolk, Princess Anne, James City, New Kent, Warwick, York, Elizabeth City, Gloucester, Matthews, Middlesex, Accomac, and Northampton; a district court, in and for which district of Norfolk, shall be holden at Norfolk, by the district judge of the district of Virginia, on the first Tuesday in February, on the first Tuesday in May, on the first Tuesday in August, and on the first Tuesday in November, in each and every year. And the district of North Carolina shall be divided into three districts; one to consist of all that part thereof, which by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax; which district shall be called the district of Albemarle, and a district court, in and for the same, shall be holden at Edenton, by the district judge of the district of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of the district of North Carolina aforesaid, which by the laws of the said state now forms the district of Newbern and Hillsborough, together with all that part of the district of Wilmington, which lies to the northward and eastward of the river called New River, and for which district of Pamptico, a district court shall be holden at Newbern, by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December; in each and every year. And one other to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and

for which a district court shall be holden at Wilmington, by the district judge last aforesaid, on the last Tuesday in March, on the last Tuesday in July, and on the last Tuesday in November, in each and every year; which said courts, hereby directed to be holden, shall severally and respectively have and exercise, within their several and respective districts, the same powers, authority, and jurisdiction, in all cases and respects whatsoever, which are vested by law in the district courts of the United States.

Additional district courts.

SEC. 22. *And be it further enacted,* That there shall be clerks for each of the said courts to be appointed by the judge thereof, which clerks shall reside and keep the records of the said courts, at the places of holding the courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to and receive the same emoluments and fees, which are established by law, for the clerks of the district courts of the United States respectively; and that the marshals and attorneys of the United States, for the districts, which are hereby divided, or within the limits of which new districts are hereby erected, shall continue to be marshals and attorneys for the courts hereby appointed to be holden within the limits of their present districts respectively, and shall have, exercise, and perform, within the jurisdictions of those courts respectively, all the powers and duties, and receive all the fees and emoluments, appointed and established by law, for the marshals and attorneys of the United States.

Clerks of the district courts to be appointed.

SEC. 23. *And be it further enacted,* That the stated sessions of the district court of the district of Maryland shall hereafter be holden at Baltimore only.

Marshals and attorneys to act in the subdivisions of their districts.

SEC. 24. *And be it further enacted,* That the district courts of the United States, in and for the districts of Tennessee and Kentucky, shall be, and hereby are, abolished; and that all and singular the powers, authority and jurisdiction of the said courts respectively shall be and hereby are vested in, and shall be exercised by the circuit courts, by this act directed to be holden in and for the districts of East Tennessee, West Tennessee and Kentucky, respectively, within the limits of their respective jurisdictions; and that the circuit judges to be appointed for the sixth circuit aforesaid, severally, shall be invested with, possess and exercise, all and singular the powers, now vested by law in the district judges of the United States.

District court of Maryland to be held at Baltimore only.

District courts of Tennessee and Kentucky abolished.

SEC. 25. *And be it further enacted,* That in case of the inability of the district judge of either of the districts of the United States, to perform the duties of his office, and satisfactory evidence thereof being shown to the circuit court, in and for such district, it shall be the duty of such circuit court, from time to time, as occasion may require, to direct one of the judges of said circuit court, to perform the duties of such district judge, within and for said district, for and during the period the inability of the district judge shall continue. And it shall be the duty of the circuit judge, to whom the duties of the district judge shall be assigned in manner aforesaid, and he is hereby authorized to perform the duties of said district judge, during the continuance of his disability.

Judges for the sixth circuit to have the powers of district judges.

In case of inability of the district judge, a circuit judge may act.

SEC. 26. *And be it further enacted,* That the several circuit courts hereby established shall have power to appoint clerks for their respective courts; that is to say, one for each district within which such court is or shall be directed by law to be holden; which clerks respectively shall take the same oath or affirmation, and give the like bonds, as are by law required to be taken and given by the clerk of the supreme court of the United States; and shall be entitled to demand and receive, for their services respectively, the same fees, to be recovered in the same manner, as have heretofore been allowed by law, for the like services, to the clerks of the circuit and district courts of the United States.

Clerks of the circuit courts to be appointed.

Former circuit courts abolished.

SEC. 27. *And be it further enacted*, That the circuit courts of the United States, heretofore established, shall cease and be abolished; and that the records and office papers of every kind, belonging to those courts respectively, shall be safely kept by the clerks thereof, who shall continue in all respects to act as heretofore in the business of the said courts, until it shall otherwise be ordered by the courts hereby established.

Certain courts constituted courts of record.

SEC. 28. *And be it further enacted*, That the supreme, circuit and district courts of the United States, shall be, and hereby are, constituted courts of record.

Test, signing and return of writs.

SEC. 29. *And be it further enacted*, That all writs and processes whatsoever, issuing from any of the circuit courts, hereby established, shall, after the first day of April next, bear test of the presiding judge of such court; before which time they shall bear test of the chief justice of the United States; all which said writs and processes shall be signed by the clerks of the courts respectively, from which the same shall issue, and shall be made returnable to the next stated or special session of such court, and all writs and processes which have issued, or which may issue before the first day of April next, returnable to the circuit courts heretofore established, or to any district court acting as a circuit court, shall be returned to the circuit courts hereby established, and shall be there proceeded in, in the same manner as they could, had they been originally returnable to the circuit courts hereby established.

Judges of the supreme and circuit courts may grant writs of habeas corpus.

SEC. 30. *And be it further enacted*, That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is authorized and empowered, to grant writs of habeas corpus, for the purpose of inquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always*, that no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by colour of the authority of the United States, or be committed for trial before some court of the same; or be necessary to be brought into court to give testimony.

New trials, rehearings and practice.

SEC. 31. *And be it further enacted*, That the several courts of the United States shall be, and hereby are authorized and empowered to grant new trials and rehearings, on motion and cause shown, and to make and establish all necessary rules and regulations, for returning writs, filing pleas, and other proceedings; and for regulating the practice and enforcing the orderly conduct of business, in the said courts respectively: *Provided always*, that the said rules and regulations be not repugnant to the laws of the United States; and that all the courts of the United States, and each of the justices and judges thereof, shall be, and hereby are, authorized and empowered to administer all necessary oaths and affirmations, and to bind to the peace or good behaviour, with surety where necessary, in all cases, arising under the authority of the United States.

The courts or judges empowered to administer oaths generally, &c.

Oath of a circuit judge.

SEC. 32. *And be it further enacted*, That every person who shall be appointed a judge of any circuit court, hereby established, shall, before he shall begin to exercise the duties of his said office, take the following oath or affirmation; that is to say: "I, A. B. do solemnly swear" (or affirm) "that I will administer justice without respect to persons; and will do equal right to all persons; and will, in all things, faithfully and impartially discharge and perform, all the duties incumbent on me as a judge of _____ according to the best of my abilities and understanding, and to the constitution and laws of the United States."

Appeals from the district courts, to the circuit courts,

SEC. 33. *And be it further enacted*, That from all final judgments or decrees, in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or

value of fifty dollars, shall be allowed to the circuit court next to be holden, in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear and determine such appeal; and that from all final judgments or decrees in any circuit court, in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States; and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal; and that such appeals shall be subject to the same rules, regulations and restrictions, as are prescribed by law in case of writs of error; and that the said supreme court shall be, and hereby is authorized and required, to receive, hear and determine such appeals.

and from thence to the supreme court.

SEC. 34. *And be it further enacted*, That all final judgments in civil actions at common law, in any of the circuit courts hereby established, whether brought by original process in such court, or removed thereto from any state court, and all final judgments in any of the district courts of the United States may, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, be re-examined and reversed or affirmed, in the supreme court of the United States, by writ of error: whereto shall be annexed, and returned therewith at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, and also a citation to the adverse party, signed by a judge of such circuit court, or by the district judge as the case may be; which citation shall be served on the adverse party personally, or by leaving a true copy thereof at his or their usual place or places of residence, at least thirty days before the time mentioned in such writ of error, for the return thereof.

Writs of error to the circuit courts.

SEC. 35. *And be it further enacted*, That the stipulation, bond or security, taken upon any writ of error or appeal to be brought or allowed as aforesaid, shall be returned by the judge taking the same, to the clerk or register of the court where the judgment or decree complained of was rendered, to be by him annexed to the transcript of the record, hereby directed to be sent up to the supreme court of the United States.

Security taken upon writs of error or appeals to be sent up with the record.

SEC. 36. *And be it further enacted*, That there shall be appointed, in and for each of the districts established by this act, a marshal, whose duty it shall be to attend the circuit courts of the United States hereby established, when sitting within such district, and who shall have and exercise, within such district, the same powers, perform the same duties, be subject to the same penalties, give the same bond with sureties, take the same oath, be entitled to and receive the same compensation and emoluments, and in all respects be subject to the same regulations, as are now prescribed by law, in respect to the marshals of the United States heretofore appointed: *Provided always*, that the several marshals of the United States, now in office, shall, during the periods for which they were respectively appointed, unless sooner removed by the President of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by marshals therein.

Marshals to be appointed.

SEC. 37. *And be it further enacted*, That there shall be appointed for each of the districts hereby established, a person learned in the law, to act as attorney for the United States within such district, and in the circuit and district courts which may be holden therein; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute, in such district, all delinquents for

District attorneys to be appointed.

District attor-
nies.

crimes and offences cognizable under the authority of the United States, and all civil actions or suits in which the United States shall be concerned, except actions or suits in the supreme court of the United States; and shall be entitled to, and receive, for their services respectively, such compensations, emoluments and fees, as by law are or shall be allowed, to the district attorneys of the United States: *Provided always*, that the district attorneys of the United States now in office shall, severally and respectively, be attorneys for those districts hereby established, within which they reside, until removed by the President of the United States; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised and received, by the attorney of the United States therein.

Compensation
of jurors and
witnesses.

SEC. 38. *And be it further enacted*, That jurors and witnesses attending any of the courts, hereby established, shall be entitled to and receive the same compensations respectively, as heretofore have been allowed by law to jurors and witnesses, attending the circuit and district courts of the United States.

Records of the
circuit courts,
where to be
kept.

SEC. 39. *And be it further enacted*, That the records of the several circuit courts, hereby established, shall hereafter be kept at the respective places at which the said courts are hereby directed to be holden: *Provided always*, that in the district wherein there are more than one place directed by this act for holding said circuit courts, the records of the circuit court in such district shall hereafter be kept in either of such places, as the said court in such district shall direct.

Suitors, &c.
how far privi-
leged from ar-
rest.

SEC. 40. *And be it further enacted*, That the privilege from arrest of every person going to, attending at, or returning from, any court of the United States, shall be computed and continue, from the time of his or her departure from his or her habitation, until his or her return there-to: *Provided*, that such time shall not exceed one day, Sundays excluded, for every twenty miles of the distance, which such person must necessarily travel in so going and returning, over and above the time of attendance.

Salaries of
judges.

SEC. 41. *And be it further enacted*, That each of the circuit judges of the United States, to be appointed by virtue of this act, shall be allowed as a compensation for his services, an annual salary of two thousand dollars, to be paid quarter-yearly at the treasury of the United States; except the judges of the sixth circuit, who shall be allowed the sum of fifteen hundred dollars each, to be paid in like manner; and that the salaries of the district judges of Kentucky and Tennessee shall be, and hereby are, severally augmented to the like sum of fifteen hundred dollars, annually, to be paid in like manner.

APPROVED, February 13, 1801.

STATUTE II.

Feb. 18, 1801.

CHAP. V.—*An Act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia.*(a)

Survey of
lands for the
refugees from
Canada, &c. to
be made.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the surveyor-general be, and he is hereby directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second ranges of townships, which join the southern boundary line of the military lands, to be subdivided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the Secretary of the Treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, intituled

(a) Act of April 7, 1798, chap. 26; act of March 3, 1803, chap. 38; act of April 29, 1816, chap. 153.