

next, shall be, and hereby are declared to be respectively transferred, returnable, and continued, to the several circuit courts constituted by this act, at the times herein appointed for the session of each of the said courts, and shall be heard, tried, and determined therein, in the same manner, and with the same effect, as if no change had been made hereby in the courts of the said district. And the said circuit courts of the seventh circuit, shall be governed by the same laws and regulations as apply to the other circuit courts of the United States, and shall appoint clerks for the said courts respectively, who shall reside, and keep the records of the said courts, at the places of holding the courts, whereto they shall respectively belong, except as herein before provided, and shall perform the same duties, and be entitled to, and receive the same emoluments and fees, respectively, which are by law established for the clerks of the other circuit courts of the United States.

The circuit courts of the seventh circuit to be governed by the same laws as other circuit courts.

SEC. 4. *Be it further enacted*, That the state of Tennessee shall be divided into two districts, for the purpose of holding district courts in the same, one to consist of that part thereof, which by the laws of the said state, now forms the districts of Washington and Hamilton, which shall be called the district of East Tennessee; and one other to consist of all that part of the state of Tennessee, which by the laws of the said state now forms the districts of Winchester, Mero and Robertson, which shall be called the district of West Tennessee; and all the authority, powers and jurisdiction, vested in the several district courts of the United States, and the judges thereof, in those districts in which circuit courts are now held, shall be retained, and may be exercised by the several district courts of Kentucky, East and West Tennessee, and Ohio, and the several judges thereof. And the sessions of the said district courts shall, after the first day of May next, be as follows: in Kentucky, at Frankfort, two sessions, to commence on the first Mondays in June and December, annually; in East Tennessee, at Knoxville, two sessions, to commence on the third Monday in April and second Monday in October, annually; and at Nashville, two sessions, to commence on the fourth Mondays in May and November, annually; and in Ohio, at Chillicothe, three sessions, to commence on the first Mondays in February, June and October, annually; and all actions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, which shall have been issued, and shall be returnable to, or depending in the said several district courts of the United States, acting as district courts, on the said first day of May next, shall be returned and held continued to the said several district courts, respectively, at the times herein before appointed for holding the same.

State of Tennessee to be divided into two districts, &c.

East Tennessee.

West Tennessee.

Ohio.

Act of March 26, 1810, ch. 18. 1809, ch. 14.

SEC. 5. *Be it further enacted*, That the supreme court of the United States shall hereafter consist of a chief justice, and six associate justices, any law to (the) contrary notwithstanding. And for this purpose there shall be appointed a sixth associate justice, to reside in the seventh circuit, whose duty it shall be, until he is otherwise allotted, to attend the circuit courts of the said seventh circuit, and the supreme court of the United States, and who shall take the same oath, and be entitled to the same salary as are required of, and provided for the other associate justices of the United States.

Supreme court to consist in future of seven judges, &c.

APPROVED, February 24, 1807.

STATUTE II.

CHAP. XVII.—*An Act to continue in force for a further time, an act intituled "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo."*

Feb. 24, 1807.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to suspend the commercial intercourse between the United States

Former act continued in force.

Act of Feb. 28, 1806, ch. 9.

Prohibitions of former act extended further.

and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonoave and Tortuga, and to any other dependency of the said island of St. Domingo, in possession of, or under the acknowledged government of France.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

Act of Feb. 27, 1801, ch. 15. Act of May 3, 1802, ch. 53.

Provisions of a former act respecting writs of *capias ad satisfaciendum* repealed.

Said writs made returnable as if that act had not passed, &c.

Part of former act repealed.

CHAP. XVIII.—*An Act further supplementary to the act, intituled "An act concerning the District of Columbia."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of executions against the goods and chattels of the debtor.

SEC. 3. *And be it further enacted*, That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

Costs to be paid by claimants when there was a reasonable cause for seizure.

Proviso.

CHAP. XIX.—*An Act respecting seizures made under the authority of the United States, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof: and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: (a) *Provided*, that the ship or vessel, goods, wares, or

(a) Seizure. "Probable cause" means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion. *Locke v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 521.

A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a certificate of probable cause. *The United States v. Riddle*, 5 Cranch, 311; 2 Cond. Rep. 266.

If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25, 1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the opinion in which he acted. *Otis v. Watkins*, 9 Cranch, 339; 3 Cond. Rep. 424.

Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful and without probable cause by the courts, the party may proceed, at his election, by a suit at common law, or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must be sought in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws, in suits at common law, until the case shall have passed through the state courts. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.