

Arrears of interest to be paid.

Payment of the residue with interest.

Penalty on failure to pay arrears of interest, &c.

Act of April 30, 1810, ch. 36.

STATUTE II.

March 2, 1809.

say :—First, That all the arrears of interest, on the land purchased, to the end of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year. Second, That the residue of the sum, due on account of the principal of such purchase, shall be paid with interest thereon, in two equal annual payments, viz. one half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest on each of the two instalments of principal, with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert, in like manner, to the United States, if the sum due with interest, be not at such sale bidden and paid.

APPROVED, March 2, 1809.

CHAP. XXVII.—*An Act further to amend the Judicial System of the United States.*

Circuit court of the U. States to perform the duties of the district courts, in cases of the disability of the district judges.

Justices of the supreme court to direct the clerk of the district court to certify to the next circuit court all actions, &c. depending in the district court.

Notice to be published.

Justice of the supreme court to exercise the powers of district judge during disability of the district judge.

Nothing in this act shall require the judge of the supreme court to hold any special court or court of admiralty at any other time than the legal time of

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the disability of the district judge of either of the districts of the United States to hold a district court, and to perform the duties of his office, and satisfactory evidence thereof being shown to the justice of the supreme court, allotted to that circuit in which such district court ought by law to be holden; and on application of the district attorney or marshal of such district in writing to the said justice of the supreme court, said justice of the supreme court shall thereupon issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be holden in said district, all actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, that may be depending in said district court and undetermined, with all the proceedings thereon, and all files and papers relating thereto; which said order shall be immediately published in one or more newspapers, printed in said district, and at least thirty days before the session of such circuit court, and shall be deemed a sufficient notification to all concerned. And the said circuit court shall thereupon have the same cognizance of all such actions, suits, causes, pleas, or processes, civil or criminal, of what nature or kind soever, and in the like manner as the district court of said district by law might have, or the circuit court, had the same been originally commenced therein; and shall proceed to hear and determine the same accordingly; and the said justice of the supreme court during the continuance of such disability shall moreover be invested with and exercise all, and singular, the powers and authority, vested by law in the judge of the district court in said district. And all bonds and recognizances taken for or returnable to such district court shall be construed and taken to be to the circuit court, to be holden thereafter, in pursuance of this act, and shall have the same force and effect in such circuit court, as they could have had in the district court to which they were taken: *Provided*, that nothing in this act contained shall be so construed as to require of the judge of the supreme court within whose circuit such district may lie, to hold any special court, or court of

admiralty, at any other time than the legal time for holding the circuit court of the United States in and for such district.

SEC. 2. *And be it further enacted*, That the clerk of such district court shall, during the continuance of the disability of the district judge, continue to certify as aforesaid, all suits or actions of what nature or kind soever, which may thereafter be brought to such district court, and the same transmit to the circuit court next thereafter to be holden in the same district; and the said circuit court shall have cognizance of the same in like manner as is herein before provided in this act, and shall proceed to hear and determine the same: *Provided nevertheless*, that when the disability of the district judge shall cease or be removed, all suits or actions then pending and undetermined in the circuit court, in which by law the district courts have an exclusive original cognizance, shall be remanded, and the clerk of the said circuit court shall transmit the same, pursuant to the order of said court, with all matters and things relating thereto, to the district court next thereafter to be holden in said district, and the same proceedings shall be had therein in said district court as would have been, had the same originated or been continued in the said district court.

SEC. 3. *And be it further enacted*, That in case of the district judge in any district being unable to discharge his duties, as aforesaid, the district clerk of such district shall be authorized and empowered, by leave or order of the circuit judge of the circuit in which such district is included, to take, during such disability of the district judge, all examinations and depositions of witnesses, and make all necessary rules and orders preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

APPROVED, March 2, 1809.

CHAP. XXVIII.—*An Act further to amend the several acts for the establishment and regulation of the Treasury, War and Navy departments.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged: the monies paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the comptroller of the treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the accountants of the war or navy department respectively, in the case of warrants drawn by the Secretary of War, or by the Secretary of the Navy; and the officers, agents, or other persons, who may be receivers of public monies, shall render distinct accounts of the application of such monies according to the appropriation or appropriations under which the same shall have been drawn, and the Secretary of War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *Provided nevertheless*, that during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion

the session of the circuit court.

Duties of the district clerks under this act. Process &c. &c.

On the ceasing of the disability of the district judge, all causes shall be remanded to the district court.

District clerks during the disability of the judges, to take examinations, make rules, &c. &c.

STATUTE II.

March 3, 1809.

Act of May 8, 1792, ch. 37.

Act of March 3, 1795, ch. 48.

Act of April 21, 1808, ch. 45.

Act of March 3, 1817, ch. 45.

Act of May 1, 1820, ch. 50.

Warrants to be charged to the distinct appropriations on which they are founded.

Payments to be charged to specific appropriations.

Separate accounts to be rendered to Congress by the officers.

The President during the recess of Congress may order a portion of the monies appro-