CONGRESS OF THE UNITED STATES.

Begun and held at the City of *New-York*, on Wednesday the Fourth of *March*, One Thousand Seven Hundred and Eighty-Nine.

An ACT *to establish the* JUDICIAL COURTS *of the* UNITED STATES.

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Supreme Court of the United States shall consist of a chief justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

And be it further enacted, That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit, one to consist of that part of the State of Massachusetts which lies easterly of the State of New-Hampshire, and to be called Maine district; one to consist of the State of New-Hampshire, and to be called New-Hampshire district; one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts district; one to consist of the state of Connecticut, and to be called Connecticut district; one to consist of the State of New-York, and to be called New-York district; one to consist of the State of New-Jersey, and to be called New-Jersey district; one to consist of the State of Pennsylvania, and to be called Pennsylvania district; one to consist of the State of Delaware, and to be called Delaware district; one to consist of the State of Maryland, and to be called Maryland district; one to consist of the State of Virginia, except that part called the district of Kentucky, and to be called Virginia district; one to consist of the remaining part of the State of Virginia, and to be called Kentucky district; one to consist of the State of South Carolina, and to be called South Carolina district; and one to consist of the State of Georgia, and to be called Georgia district.

And be it further enacted, That there be a court called a district court, in each of the aforementioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and he shall be called a district Judge, and shall hold annually four sessions, the first of which to commence as follows, to wit, in the districts of New-York and of New-Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware, on the fourth Tuesdays of November next; in the districts of Massachusetts of Main and of Maryland, on the first; in the district of Georgia on the second, and in the districts of New-Hampshire, of Virginia and Kentucky, on the third Tuesdays of December next; and the other three sessions progressively in the respective districts on the like Tuesdays of every third calender month afterwards, and in the district of South Carolina, on the third Monday in March and September, the first Monday in July, and the second Monday of December of each and every year, commencing in December next; and that the District Judge shall have power to hold special courts at his discretion. That the stated district court shall be held at the places following, to wit, in the district of Maine, at Portland and Pownalborough alternately, beginning at the first; in the district of New-Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, alternately at Hartford and New-Haven, beginning at the first; in the district of New-York, at New-York; in the district of New-Jersey, alternately at New-Brunswick and Burlington, beginning at the first; in the district of Pennsylvania, at Philadelphia and York-Town alternately, beginning at the first; in the district of Delaware, alternately at New-Castle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburg, beginning at the first; in the district of Kentucky, at Harrodsburgh; in the district of South-Carolina, at Charleston; in the district of Georgia, alternately at Savannah and Augusta, beginning at the first;—and that the special courts shall be held at the same place in each district as the stated courts, or in districts that have two at either of them, in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the district court, the records thereof shall be kept at that place; and in districts that have two, at that place in each district which the judge shall appoint.

And be it further enacted, That the beforementioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle and the southern circuit. That the eastern circuit shall consist of the districts of New-Hampshire, Massachusetts, Connecticut and New-York; that the middle circuit shall consist of the districts of New-Jersey, Pennsylvania, Delaware, Maryland and Virginia; and that the southern circuit shall consist of the districts of South-Carolina and Georgia, and that there shall be held annually in each district of said circuits, two courts, which shall be called circuit courts, and shall consist of any two justices of the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision.

And be it further enacted, That the first session of the said circuit court in the several districts shall commence at the times following to wit; in New-Jersey on the second, in New-York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh, days of April next; in Massachusetts on the third, in Maryland on the seventh, in South-Carolina on the twelfth, in New-Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth days of May next, and the subsequent sessions in the respective districts on the like days of every sixth calender months afterwards, except in South Carolina, where the session of the said court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit court shall be held in the district of New-Hampshire at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts at Boston; in the district of Connecticut alternately at Hartford and New-Haven, beginning at the last; in the district of New-York, alternately at New-York and Albany, beginning at the first; in the district of New-Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and York-Town, beginning at the first; in the district of Delaware alternately at New-Castle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the district of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the district of South-Carolina, alternately at Columbia and Charleston, beginning at the first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the Supreme Court.

And be it further enacted, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present by the marshal of the district until a quorum be convened; and that a district court in case of the inability of the judge to attend at the commencement of a session, may by virtue of a written order from the said judge directed to the marshal of the district be adjourned by the said marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed, and in case of the death of the said judge, and his vacancy not being supplied, all progress, pleadings and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

And be it enacted, That the supreme court, and the district courts shall have power to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit, "I A. B. being appointed clerk of " , do solemnly swear, or affirm, that I will truly " and faithfully enter and record all the orders, decrees, judg- " ments and preceedings of the said court, and that I will faith- " fully and impartially discharge and perform all the duties of my " said office, according to the best of my abilities and understand- " ing. So help me God." Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond, with sufficient sureties (to be approved of by the supreme and district courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgements and determinations of the court of which he is clerk.

And be it further enacted, That the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirm- " ation, to wit, "I A. B. do solemnly swear or affirm, that I " will administer justice without respect to persons, and do equal " right to the poor and to the rich, and that I will faithfully " and impartially discharge and perform all the duties incumbent " on meas , according to the best of my abilities " and understanding, agreeably to the constitution and laws of " the United States. So help me God."

And be it further enacted, That the district courts shall have exclusively of the courts of the several State, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisoment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made, on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respectective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it: And shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid, made, and of all suits for penalties and forfeitures incurred, under the laws of the United States. And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. And the trial of issues in fact, in the district courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

And be it further enacted, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs error, hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the Supreme Court in the same causes, as from a circuit court to the Supreme Court, and under the same regulations.—And the district court in Maine district, shall besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: And writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts, in the same manner as from other district courts to their respective circuit courts.

And be it further enacted, That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State. And shall have exclusive cognizance of all crimes and offences cognizable under the authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes, and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court: And no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process in any other district than that whereof he is an inhabitant, or in which he may 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 promissary note or other chose in action in favor 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. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided.

And be it further enacted, That if a suit be commenced in any State court, against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the aforementioned sum or value of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such State court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine to the district court next to be holden therein, or if in Kentucky district to the district court next to be holden therein, and offer good and sufficient surety for his entering into such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant by the original process, shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a State court, the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceeds the sum or vaulue of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a State, other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the State in which the suit is pending; the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Maine, to the court next to be holden therein; or if in Kentuky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the beforementioned case of the removal of the cause into such court by an alien: And neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim. And the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury.

And be it further enacted, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a State is a party, except between a State and its citizens; and except also between a State and citizens of other States, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdicton of suits or proceedings against Ambassadors, or other public Ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by Ambassadors, or other public Ministers, or in which a Consul or Vice-consul, shall be a party. And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several States, in the cases herein after specially provided for: And shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.

And be it further enacted, That all the beforementioned courts of the United States, shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an enquiry into the cause of commitment.—*Provided*, that writs of *habeas corpus*, shall in no case extend to prisoners in goal, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

And be it further enacted, That all the said courts of the United States, shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery: and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit, and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion as aforesaid, to give judgment against him or her by default.

And be it further enacted, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law.

And be it further enacted, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have been usually granted in courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

And be it further enacted, That, when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the Clerks office of said court, a petition for a new trial. And if such petition be there filed within the said term of forty-two days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. And if a new trial be granted, the former judgment shall be thereby rendered void.

(To be continued.)

EXTRACT.

OF PAYING DEBTS.—Owe no man any thing.

Economy is a matter of experience—the converfation and advice of a friend may be highly advantageous to the young, who need instruction. The principle of justice is unfolded, and the practice of it established by the communications and approbation of one in whom they confide—Next to the testimony of a good conscience in our favor, the testimony of a friend is the best defence against unjustifiable compliances with pernicious customs.—The secrecy which some affect with regard to their affairs, declining all communications on the subject, often leads to distress which timely counsel might have prevented.

There are false, but plausible maxims, which a friend might unmask—there are propensities, seemingly generous, which he might check—there are consequences which he might foresee, and in the spirit of meekness foretel; there is a sense of justice at the bottom of the heart, which he might rouse, and provoke to break through every obstacle.—"Faithful (in this sense) are the wonnds of a friend"—Happy is the young man who is favored with a friend, whose penetration may prove a lamp to his feet, and a guide to his path.—

There is a magnanimity of spirit in giving, and receiving advice which few possess; but like other virtues may be acquired.

☞ *WANTED, to complete Files of this paper, numbers 30, 40, 43, 44, 46, and 48: Six pence each will be paid for either of those numbers at the office of the Editor.* *October 24.*

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