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WEDNESDAY, FEBRUARY 18th, 1801.

PAID IN ADVANCE.

An ACT to provide for the more convenient organization of the Courts of the United States.

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.

Section 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, 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.

Section 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.

Section 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 north-east 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 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 north-west of the Ohio, and the Indiana territory, and to be called the district of Ohio.

Section 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.

Section 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.

Section 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 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,

in the third day of June and twenty-fifth 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 fifth 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 Bardstown, 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 day 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 district 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.

Section 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.

Section 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 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.

Section 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.

Section 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.

Section 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 an 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.*

Section 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 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 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 case

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