

tion, writ of error, or writ of review, and also for his, her or their appearance in the said 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, 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 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 aforesaid, as the ground of his, her or their claim.

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 content of parties, and to grant continuance on the motion of either party, upon such terms and conditions as shall be agreeable to practice and the usage 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.

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 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.

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.

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 justice of the supreme court of the United States.

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 be safely 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 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 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 New-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; and all such as shall be depending and undetermined before the district court of Kentucky, 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 the same manner as they could have been, if this act had not been made.

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; and a district court in and for which shall be holden at New-Brunswick, by the district judge, of the district of Jersey, on the 4th Tuesday in May, and on the 4th 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 south-west 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 north-east 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 Potowmac, 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 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.

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 place 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 districts are hereby created, 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.

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.

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 district of East Tennessee and 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, shall severally be invested with, possess and exercise all and singular the powers now vested by law in the district judges of the United States.

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 shewn 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 of 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.

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 manner as