

Gazette of the United States.

A NATIONAL PAPER, PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 69, HIGH-STREET, PHILADELPHIA.

[No. 114, of Vol. III.]

WEDNESDAY, MAY 30, 1792.

[Whole No. 322.]

LAWS OF THE UNION.

SECOND CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION,

Begun and held at the city of Philadelphia, in the State of Pennsylvania, Monday the twenty-fourth of October, one thousand seven hundred and ninety-one.

AN ACT for regulating Processes in the Courts of the United States, and providing Compensations for the Officers of the said Courts, and for Jurors and Witnesses.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all writs and processes issuing from the supreme or a circuit court, shall bear test of the chief justice of the supreme court (or if that office shall be vacant) of the associate justice next in precedence; and all writs and processes issuing from a district court, shall bear test of the judge of such court (or if that office shall be vacant) of the clerk thereof, which said writs and processes shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

And be it further enacted, That the forms of writs, executions and other process, except their stile and the forms and modes of proceeding in suits in those of common law shall be the same as are now used in the said courts respectively in pursuance of the act, entitled, "An act to regulate processes in the courts of the United States," in those of equity and in those of admiralty and maritime jurisdiction according to the principles, rules and usages which belong to courts of equity and to courts of admiralty respectively, as contra distinguished from courts of common law; except so far as may have been provided for by the act to establish the judicial courts of the United States, subject however to such alterations and additions as the said courts respectively shall in their discretion deem expedient, or to such regulations as the supreme court of the United States shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: Provided, That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance.

And be it further enacted, That from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned, shall be as follows; that is to say, to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process in chancery, on each person named in the same two dollars; for his travel out in serving each writ, warrant, attachment or process aforesaid five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: Provided, That the fee for travel where there is one person named in such writ, warrant, attachment or process, shall in no case exceed seven dollars, and when there are more than one the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail bond, fifty cents: for selling goods and vessels condemned, and receiving and paying the money three per cent: for every commitment or discharge of a prisoner, fifty cents: for summoning witnesses, where he does it, each thirty cents: for summoning a grand or petit jury, each three dollars: Provided, That in those states where jurors by the laws of the State are drawn by constables or other officers or corporate towns or places by lot, the marshals shall receive for the use of such constables or officers the fees allowed for summoning juries: For attending the supreme, circuit or district courts five dollars per day, and at the rate of ten cents per mile for his expenses and time for travelling from the place of his abode to either of the said courts: for levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the State where the services shall be rendered: To the clerk of the supreme court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that State in which the supreme court of the United States shall be holden. To the clerk of the district and circuit courts such fees in each State respectively as are allowed in the supreme courts of the same; and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall in discharging the duties of his office perform any kind of service which is not performed by the clerks of the courts of the State, and for which the laws of the State make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror fifty cents per day for attending in court, and for travelling at the rate of five cents per every mile from their respective places of abode to the place where the court is held, and the like allowance for returning: To witnesses summoned in any of the courts of the United States the same compensations in each State respectively as are allowed in the supreme courts of the same; and also the like compensation for travelling as is above allowed to the clerk of the district and circuit courts.

And be it further enacted, That the marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the courts may judge reasonable: And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: and such amount, as also the compensations aforesaid to the grand and petit jurors.—To the witnesses summoned on the part of the United States, to the clerk of the supreme court for his attendance—to the clerks of the district and circuit courts for their travelling and attendance—to the attorney of the district for travelling to court—to the marshal for his attendance at court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner—and also the legal fees

of the clerk, attorney and marshal, in criminal prosecutions, shall be included in the account of the marshal; and the same having been examined and certified by the court or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at and the amount thereof paid out of the treasury of the United States, to the marshal, and by him shall be paid over to the persons entitled to the same, and the marshal be allowed two and a half per cent, on the amount by him so paid over to be charged in his future account.

And be it further enacted, That in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant he shall be subject to the payment of costs—and on every conviction for any other offence not capital the court may in their discretion award that the defendant shall pay the costs of prosecution.—And if any informer or plaintiff on a penal statute to whose benefit the penalty or any part thereof if recovered is directed by law to accrue shall discontinue his suit or prosecution or shall be non suit in the same, or if upon trial a verdict shall pass for the defendant the court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant.

And be it further enacted, That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the treasury of the United States, shall be recovered in like manner as the fees of the officers of the states respectively for like services are recovered.

And be it further enacted, That if any officer herein before mentioned, or his deputy, shall by reason and colour of his office wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be.

And be it further enacted, That the act passed at the last session of Congress, entitled, "An act to continue in force for a limited time, an act passed at the first session of Congress, entitled, "An act to regulate processes in the courts of the United States;" and also another act passed at the last session of Congress, entitled, "An act providing compensations for the officers of the judicial courts of the United States and for jurors and witnesses, and for other purposes," be and the same are hereby repealed.

And be it further enacted, That it shall be the duty of the clerk of the supreme court of the United States, forthwith to transmit to the clerks of the several circuit courts the form of a writ of error, to be approved by any two of the judges of the supreme court, and it shall be lawful for the clerks of the said circuit courts, to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the supreme court, in the same manner as the clerk of the supreme court may issue such writs, in pursuance of the act, intitled, "An act to establish the judicial courts of the United States."

And be it further enacted, That it shall and may be lawful for the clerks of the district and circuit courts, in the absence or in case of the disability of the judges, to take recognizances of special bail *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

And be it further enacted, That in all suits and actions in any district court of the United States, in which it shall appear that the judge of such court is, any ways, concerned in interest, or has been of counsel for either party, it shall be the duty of such judge on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall, thereupon, take cognizance thereof, in the like manner, as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

And be it further enacted, That all the records and proceedings of the court of appeals heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner, as copies of the records and other proceedings of the said court are by law directed to be given: which copies shall have like faith and credit, as all other proceedings of the said court.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

AN ACT concerning the claim of JOHN BROWN CUTTING against the United States.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of certain expenditures on behalf of the United States, made by John Brown Cutting in the year one thousand seven hundred and ninety, there be advanced and paid to the said John Brown Cutting, the sum of two thousand dollars, out of any public money not otherwise appropriated.

And be it further enacted, That the Secretary of State be authorized to enquire into the entire claim of the said John Brown Cutting, against the United States, and upon receipt of the proofs and exhibits in support thereof, to ascertain what sum shall thereupon appear to be due to or from him, in account with the United States, including the advance hereby directed, and to report the same to the next session of Congress.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

AN ACT to compensate the services of the late Colonel GEORGE GIBSON.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed and paid to the executors or administrators of the late Colonel George Gibson or to their attorney or attorneys legally appointed and authorized to receive the same for the use and benefit of his heirs, the sum of one thousand dollars for extraordinary services by him rendered to the United States during the year one thousand seven hundred and seventy-six.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

AN ACT to provide for a Copper Coinage.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the director of the mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper, not exceeding one hundred and fifty tons, and that the said director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the mint into cents, and half cents pursuant to "the act establishing a mint, and regulating the coins of the United States," and that the said cents and half cents, as they shall be coined, be paid into the Treasury of the United States, thence to issue into circulation.

And be it further enacted, That after the expiration of six calendar months from the time when there shall have been paid into the treasury by the said director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the treasurer in at least two gazettes or news-papers, published at the seat of the government of the United States, for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid or offered to be paid or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited, and every person by whom any of them shall have been so paid or offered to be paid or received in payment, shall also forfeit the sum of ten dollars, and the said forfeiture and penalty shall and may be recovered with costs of suit for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods, which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements, as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication, to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas, which may occur to them in practice.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

AN ACT to alter the time for the next Annual Meeting of Congress.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, MAY THE FIFTH, 1792.
GEORGE WASHINGTON, *President of the United States.*

AN ACT for making compensations to the Commissioners of Loans for extraordinary expences.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Commissioners of Loans in the several states shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from the first day of October last, until the first day of March, one thousand seven hundred and ninety-three.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED MAY THE EIGHTH, 1792.
GEORGE WASHINGTON, *President of the United States.*