

MARYLAND GAZETTE.

T H U R S D A Y, M A R C H 19, 1801.

An ACT concerning the DISTRICT of COLUMBIA.

BE it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the laws of the state of Virginia, as they now exist, shall be and continue in force in that part of the district of Columbia which was ceded by the said state to the United States, and as they are accepted for the permanent seat of government; and that the laws of the state of Maryland, as they now exist, shall be and continue in force in that part of the said district which was ceded by that state to the United States, and by them accepted as aforesaid.

SEC. 2. And be it further enacted, That the said district of Columbia shall be formed into two counties; one county shall contain all that part of said district which lies on the east side of the river Patowmack, together with the islands therein, and shall be called the county of Washington; the other county shall contain all that part of said district which lies on the west side of said river, and shall be called the county of Alexandria; and the said river in its whole course through said district shall be taken and deemed to all intents and purposes to be within both of said counties.

SEC. 3. And be it further enacted, That there shall be a court in said district, which shall be called the circuit court of the district of Columbia; and the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States. The said court shall consist of one chief judge and two associate judges resident within said district, to hold their respective offices during good behaviour; any two of whom shall constitute a quorum; and each of the said judges shall before he enters on his office take the oath or affirmation provided by law to be taken by the judges of the circuit courts of the United States; and said court shall have power to appoint a clerk of the court in each of said counties, who shall take the oath and give a bond with sureties in the manner directed for the clerks of the district courts in the act to establish the judiciary of the United States.

SEC. 4. Be it further enacted, That said court shall, annually, hold four sessions in each of said counties, to commence as follows, to wit: For the county of Washington, at the city of Washington, on the fourth Mondays of March, June, September and December; for the county of Alexandria, at Alexandria, on the second Mondays of January, April, July and the first Monday of October.

SEC. 5. Be it further enacted, That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district; and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, being or accruing under the laws of the United States.

SEC. 6. Provided, and be it further enacted, That all local actions shall be commenced in their proper counties, and that no action or suit shall be brought before said court by any original process against any person who shall not be an inhabitant of, or found within, said district at the time of serving the writ.

SEC. 7. Be it further enacted, That there shall be a marshal for the said district, who shall have the custody of the gaols of said counties, and be accountable for the safe keeping of all prisoners legally committed therein; and he shall be appointed for the same term, shall take the same oath, give a bond with sureties in the same manner, shall have generally within said district the same powers, and perform the same duties, as is by law directed and provided in the case of marshals of the United States.

SEC. 8. Be it further enacted, That any final judgment or decree in said circuit court, where the matter in dispute, exclusive of costs, shall exceed the value of one hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, by writ of error or appeal, which shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments or appeals upon orders of decrees rendered in the circuit court of the United States.

SEC. 9. Be it further enacted, That there shall be appointed an attorney of the United States for said district, who shall take the oath and perform all the duties required of the district attorneys of the United States; and the said attorney, marshal and clerks, shall be entitled to receive for their respective services, the same fees, perquisites and emoluments, such as by law allowed respectively to the attor-

ney, marshal and clerk of the United States, for the district of Maryland.

SEC. 10. Be it further enacted, That the chief judge to be appointed by virtue of this act, shall receive an annual salary of two thousand dollars, and the two assistant judges of sixteen hundred dollars each, to be paid quarterly at the treasury of the United States.

SEC. 11. Be it further enacted, That there shall be appointed in and for each of the said counties, such number of discreet persons to be justices of the peace, as the president of the United States shall from time to time think expedient; to continue in office five years; and such justices having taken an oath for the faithful and impartial discharge of the duties of the office, shall, in all matters, civil and criminal, and in whatever relates to the conservation of the peace, have all the powers vested in, and shall perform all the duties required of justices of the peace as individual magistrates, by the laws herein before continued in force in those parts of said district for which they shall have been respectively appointed; and they shall have cognizance in personal demands to the value of twenty dollars, exclusive of costs; which sum they shall not exceed, any law to the contrary notwithstanding: And they shall be entitled to receive for their services the fees allowed for like services by the laws herein before adopted and continued in the eastern part of said district.

SEC. 12. And be it further enacted, That there shall be appointed in and for each of the said counties, a register of wills, and a judge to be called the judge of the orphans court, who shall each take an oath for the faithful and impartial discharge of the duties of his office; and shall have all the powers, perform all the duties, and receive the like fees, as are exercised, performed and received, by the registers of wills and judges of the orphans court, within the state of Maryland; and appeals from the said courts, shall be to the circuit court of said district, who shall therein have all the powers of the chancellor of the said state.

SEC. 13. And be it further enacted, That in all cases where judgments on decrees have been obtained, or hereafter shall be obtained, on suits now depending in any of the courts of the commonwealth of Virginia, or of the state of Maryland, where the defendant resides or has property within the district of Columbia, it shall be lawful for the plaintiff in such case upon filing an exemplification of the record and proceedings in such suits, with the clerk of the courts of the county where the defendant resides or his property may be found, to sue out writs of execution thereon, returnable to the said court, which shall be proceeded on, in the same manner as if the judgment or decree had originally been obtained in said court.

SEC. 14. And be it further enacted, That all actions, suits, process, pleadings and other proceedings, of what nature or kind soever, depending or existing in the courts of huttings for the towns of Alexandria and George-town, shall be and hereby are continued over to the circuit courts to be holden by virtue of this act, within the district of Columbia, in manner following; that is to say, all such as shall then be depending and undetermined, before the court of huttings for the town of Alexandria, to the next circuit court hereby directed to be holden in the town of Alexandria; and all such as shall then be depending and undetermined, before the court of huttings for George-town, to the next circuit court hereby directed to be holden in the city of Washington: Provided nevertheless, that where the personal demand in such cases, exclusive of costs, does not exceed the value of twenty dollars, the justices of the peace within their respective counties, shall have cognizance thereof.

SEC. 15. And be it further enacted, That all writs and processes whatsoever which shall hereafter issue from the courts hereby established within the district, shall be tested in the name of the chief judge of the district of Columbia.

SEC. 16. And be it further enacted, That nothing in this act contained shall in any wise alter, impeach or impair the rights granted by or derived from the acts of incorporation of Alexandria and George-town, or of any other body corporate or politic within the said district, except so far as relates to the judicial powers of the corporations of George-town and Alexandria.

[Approved and signed, February 27, 1801.]

An act supplementary to the act, entitled, An act concerning the district of Columbia.

BE it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the circuit courts for the district of Columbia, shall be and they are hereby invested with the same power respecting constables, inspectors and the inspection of tobacco and flour, surveyors, mills, highways and ferries, for the county of Alexandria,

as have heretofore been vested in the county courts of the commonwealth of Virginia; and for the county of Washington, the same power and authority as have been heretofore exercised by the county and levy courts of the state of Maryland; with power to appoint to all other offices necessary for the said district, under the laws of the respective states of Maryland and Virginia: And all officers for whom no special provision is made by this act, or the act to which this is a supplement, shall receive the same fees and emoluments as they have respectively received under the jurisdiction of the respective states.

SEC. 2. And be it further enacted, That all indictments shall run in the name of the United States, and conclude, against the peace and government thereof. And all fines, penalties and forfeitures accruing under the laws of the states of Maryland and Virginia, which by adoption have become the laws of this district, shall be recovered with costs, by indictment or information in the name of the United States, or by action of debt, in the name of the United States and of the informer; one half of which fine shall accrue to the United States, and the other half to the informer; and the said fines shall be collected by or paid to the marshal, and one half thereof shall be by him paid over to the board of commissioners herein after established, and the other half to the informer; and the marshal shall have the same power regarding their collection, and be subject to the same rules and regulations as to the payment thereof, as the sheriffs of the respective states of Maryland and Virginia are subject to in relation to the same.

SEC. 3. And be it further enacted, That all felonies committed within the county of Alexandria shall be punished in the same manner as such crimes were punishable by the laws of Virginia as they existed prior to the year one thousand seven hundred and ninety-six; and the circuit court for the said county of Alexandria shall possess and exercise the same powers and jurisdiction, civil and criminal, as is now possessed and exercised by the district courts of Virginia.

SEC. 4. And be it further enacted, That the magistrates to be appointed for the said district, shall be and they are hereby constituted a board of commissioners within their respective counties, and shall possess and exercise the same powers, perform the same duties, receive the same fees and emoluments, as the levy courts or commissioners of county for the state of Maryland possess, perform and receive: And the clerks and collectors to be by them appointed, shall be subject to the same laws, perform the same duties, possess the same powers, and receive the same fees and emoluments as the clerks and collectors of the county tax of the state of Maryland are entitled to receive.

SEC. 5. And be it further enacted, That the clerks of the circuit court shall within their respective districts be bound to perform the same duties, respecting the recording of deeds and all other services, and shall receive the same fees and emoluments for the same (except in those cases provided for in the ninth section of the act to which this is a supplement) as are now performed and received by the clerks of the counties of the respective states of Maryland and Virginia.

SEC. 6. And be it further enacted, That in all cases where the constitution or laws of the United States provide that criminals and fugitives from justice, or persons held to labour in any state, escaping into another state, shall be delivered up, the chief justice of the said district shall be, and he is hereby empowered and required to cause to be apprehended and delivered up such criminal, fugitive from justice, or persons fleeing from service, as the case may be, who shall be found within the district, in the same manner and under the same regulations as the executive authority of the several states are required to do the same; and all executive and judicial officers are hereby required to obey all lawful precepts or other process issued for that purpose, and to be aiding and assisting in such delivery.

SEC. 7. And be it further enacted, That it shall be lawful for the sheriffs and collectors of public dues for the counties of Montgomery and Prince-George's, in the state of Maryland, and for the sheriffs of Fairfax county, in the commonwealth of Virginia, and they shall respectively have full power and authority to enter into those parts of the now district of Columbia, which were heretofore within the limits of their respective bailiwicks for the purposes of collecting by distress or otherwise, as they were heretofore authorized to do, all officers fees, state taxes and county taxes, levies, fines, and other public dues, which were due on the first Monday of December, one thousand eight hundred, and still remain uncollected from persons residing or having property subject to the payment of such officers fees, state taxes, and county taxes, and levies within the said district; and all disputes and controversies that do or may arise