

SEC. 762. When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

SEC. 763. From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard :

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

SEC. 764. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

SEC. 765. The appeals allowed by the two preceding sections shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

SEC. 766. Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void.

In cases involving the law of nations, notice to be served on State attorney-general.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals in cases of *habeas corpus* to circuit court.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

27 March, 1868, c. 34, s. 2, v. 15, p. 44.

Ex parte McCordle, 6 Wall., 318; *Ex parte McCordle*, 7 Wall., 506; *Ex parte Yerger*, 8 Wall., 85.

Appeal to Supreme Court.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals, how taken.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Pending proceedings in certain cases, action by State authority void.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

CHAPTER FOURTEEN.

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5, p. 51; 3 March 1851, c. 24, s. 4, v. 9, p. 595. Fla., 3 March, 1845, c. 75, s. 7, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 4, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 4, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 4, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 4, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 Mar., 1822, c. 12, s. 4, v. 3, p. 653; 3 March, 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 Mar., 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126; 4 June, 1872, c. 282, s. 7, v. 17, p. 217. Ohio, 19 Feb., 1802, c. 7, s. 4, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 20, v. 2, p. 165; 18 June, 1838, c. 118, s. 11, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Iowa, district attorney.

3 March, 1849, c. 124, s. 5, v. 9, p. 412. 3 March, 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Term and oath of district attorneys.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 15 May, 1820, c. 102, ss. 1, 2, v. 3, p. 582.

Salaries of district attorneys.

N. Y., (S. D.,) 6 Aug., 1861, c. 55, s. 1, v. 12, p. 317. Cal., 28 Sept., 1850, c. 86, s. 8, v. 9, p. 522.

Districts in 1841, 3 March, 1841, c. 35, s. 1, v. 5, p. 427. Ark., (W. D.,) 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Fla., (N. D.,) 3 March, 1845, c. 75, s. 7, v. 5, p. 788. Fla., (S. D.,) 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Iowa, 3 March, 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. Mich., (W. D.,) 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (E. D.,) 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. Ohio, (S. D.,) 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Nev., 20 July, 1868, c. 176, s. 1, v. 15, p. 109.

SEC. 767. There shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina, a person learned in the law, to act as attorney for the United States in such district. The district attorney of the northern district of Alabama shall perform the duties of district attorney of the middle district of said State; and the district attorney of the southern district of Georgia shall perform the duties of district attorney of the northern district of said State; and the district attorney of the eastern district of South Carolina shall perform the duties of district attorney for the western district of said State.

SEC. 768. The district attorney of the district of Iowa shall perform the duties of district attorney for all of the divisions of said district.

SEC. 769. District attorneys shall be appointed for a term of four years, and their commissions shall cease and expire at the expiration of four years from their respective dates. And every district attorney, before entering upon his office, shall be sworn to a faithful execution thereof.

SEC. 770. The district attorney for the southern district of New York is entitled to receive quarterly, for all his services, a salary at the rate of six thousand dollars a year. For extra services the district attorney for the district of California is entitled to receive a salary at the rate of five hundred dollars a year, and the district attorneys for all other districts at the rate of two hundred dollars a year.

Texas, (E. D.,) 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1. Texas, (W. D.,) 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

SEC. 771. It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury.

Duties of district attorneys.
24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.
3 Mar., 1863, c. 76, s. 13, v. 12, p. 741.
Levy Court vs. Ringgold, 5 Pet., 451; U. S. vs. Corrie, 23 Law Rep., 145; U. S. vs. McBlatch, Pr. Cas., 337;
Avoy, 4 Blatch., 418; U. S. vs. Stowell, 2 Curt. C. C., 153; The Anna, Blatch. Pr. Cas., 463; U. S. vs. Ingersoll, Crabbe, 135.

SEC. 772. Every district attorney shall, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmit to the Solicitor of the Treasury a statement thereof.

Statement of suits for fines, penalties, and forfeitures.
29 May, 1830, c. 153, s. 4, v. 4, p. 415.

SEC. 773. Every district attorney shall, immediately after the end of every term of the circuit and district courts for his district, forward to the Solicitor of the Treasury, except in the cases provided for in the next section, a full and particular statement, accompanied by the certificate of the clerks of said courts, respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are party. He shall also, on the first day of October in each year, make a return to said Solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the determination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a statement must be made of the measures taken by the district attorney to press such proceedings or suits to a close.

Returns of district attorneys to Solicitor of the Treasury.
29 May, 1830, c. 153, s. 3, v. 4, p. 414.
3 March, 1863, c. 76, s. 13, v. 12, p. 741.
2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 774. When any suit or proceeding arising under the internal-revenue laws, to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue, wherein a district attorney appears, is commenced, the attorney for the district in which it is brought shall immediately report to the Commissioner of Internal Revenue the full particulars relating to the same; and he shall, immediately after the end of each term of the court in which such suit or proceeding is pending, forward to the said Commissioner a full and particular statement of its condition.

Returns of district attorneys to Commissioner of Internal Revenue.
2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 775. Each district attorney shall, immediately after the end of every term in which any suit for moneys due on account of the Post-Office Department has been pending in his district, forward to the Department of Justice a statement of any judgment or order made, or step taken in the same, during such term, accompanied by a certificate of the clerk, showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require. And the said attorney shall direct speedy and effectual execution upon said judgment, and the United States marshal to whom the same is directed shall make returns of the proceedings thereon to the Department of Justice, at such times as it may direct.

Reports by district attorney to Department of Justice.
2 July, 1836, c. 170, s. 16, v. 5, p. 83.
8 June, 1872, c. 335, s. 309, v. 17, p. 324.

SEC. 776. A marshal shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina. The marshal of the southern district of Alabama shall perform the duties of marshal of the middle district of said State, and shall keep an office at Montgomery, in said middle district. The marshal of the southern district of Georgia shall perform the duties of marshal of the northern district of said State.

Marshals.
24 Sept., 1789, c. 20 s. 27, v. 1, p. 87.
Ala., 21 April, 1820, c. 47, s. 7, v. 3, p. 565; 5 May, 1820, c. 87, s.

1, v. 4, p. 399; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 August, 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 March, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 19 Feb., 1802, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 18 June, 1838, c. 118, s. 10, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Georgia, (N. D.) SEC. 777. The marshal of the southern district of Georgia shall keep an office at Marietta, in the northern district, and his charges for mileage, in the execution of the duties of his office, within the northern district, shall be computed from Marietta.

18 Aug., 1848, c. 281.

Iowa, marshal. SEC. 778. The marshal of the district of Iowa shall perform the duties of marshal for all of the divisions of said district, and shall keep an office at each of the places in the four divisions of said district where the circuit and district courts thereof are required to be held; and his charges for mileage, in the execution of the duties of his office, within said district, shall be computed from the city of Iowa.

3 March, 1849, c. 124, s. 5, v. 9, p. 412.
3 March, 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438.

30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Marshal's term. SEC. 779. Marshals shall be appointed for a term of four years.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

Deputy marshals. SEC. 780. Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court, or by the circuit court for the district, at the pleasure of either.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

SEC. 781. Marshals are entitled to receive salaries, as a compensation for extra services, as follows: The marshal of the district of California, at the rate of five hundred dollars a year; the marshal of the districts of North Carolina, at the rate of four hundred dollars a year; the marshals of all other districts, except the southern and eastern districts of New York, the eastern district of Pennsylvania, the southern district of Illinois, the western district of Missouri, the northern and southern districts of Georgia, and the districts of Massachusetts, Maryland, and Nevada, at the rate of two hundred dollars a year.

Cal., 28 Sept., 1850, c. 86, s. 9, v. 9, p. 522; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. N. C. and N. J., 25 Feb., 1808, c. 22, s. 1, v. 2, pp. 468, 469. Me., N. H., Vt., and Ky., 28 Feb., 1799, c. 19, s. 1, v. 1, p. 625. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 24 Feb., 1807, c. 17, s. 4, v. 2, p. 421; 18 June, 1838, c. 118, s. 1, v. 5, p. 249; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. R. I., 2 March, 1831, c. 91, s. 1, v. 4, p. 482. Conn., 6 Jan., 1829, c. 5, s. 1, v. 4, p. 330. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (N. D.) and Pa., (W. D.), 15 May, 1820, c. 111, s. 4, v. 3, p. 598. Del., 24 Feb., 1835, c. 23, s. 1, v. 4, p. 753. Va., 21 Jan., 1829, c. 9, s. 1, v. 4, p. 331. W. Va., 4 Feb., 1819, c. 12, s. 4, v. 3, p. 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Ohio, 19 Feb., 1803, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1805, c. 73, s. 8, v. 10, p. 606. La., 8 April, 1812, c. 50, s. 4, v. 2, p. 703; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 7, v. 5, p. 248. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Ill., (N. D.) 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 8, v. 10, p. 607. Ala., 5 May, 1830, c. 87, s. 2, v. 4, p. 399. Mo., (E. D.) 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, s. 8, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 662. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 2; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 58. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128.

SEC. 782. Every marshal and deputy marshal shall, before he enters upon the duties of his appointment, take, before the district judge of the district, an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the district of —, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of —, during my continuance in said office, and take only my lawful fees. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath: *Provided*, That when any person who is appointed deputy marshal resides and is more than twenty miles from the place where the district judge resides and is, the said oath of office may be taken by him before any judge or justice of any State court within the same district, or before any justice of the peace having authority therein, or before any notary public duly appointed in such State, or before any commissioner of a circuit court for such district, and shall, when certified by such officer to the said district judge, be as effectual as if taken before such district judge.

SEC. 783. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of twenty thousand dollars, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

Gwyn *vs.* Breedlove, 2 How., 29; Gwyn *vs.* Buchanan, 4 How., 1; Gwyn *vs.* Rogers *vs.* The Marshall, 1 Wall., 644.

SEC. 784. In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same.

vs. Breedlove, 2 How., 29; Gwyn *vs.* Buchanan, 4 How., 1; Gwyn *vs.* Rogers *vs.* The Marshall, 1 Wall., 644.

SEC. 785. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by breach of the condition of the same, until the whole penalty has been recovered; and the proceedings shall always be as directed in the preceding section.

SEC. 786. No suit on a marshal's bond shall be maintained unless it is commenced within six years after the right of action accrues, saving, nevertheless, the rights of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed.

Montgomery *vs.* Hernandez, 12 Wh., 133.

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty. [See § 4299.]

SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Oath of marshals and deputy marshals.

24 Sept., 1789, c. 20, ss. 7, 27, v. 1, pp. 76, 87.

28 Feb., 1799, c. 19, s. 2, v. 1, p. 625.

16 Sept., 1850, c. 52, ss. 1, 2, v. 9, p. 458.

Marshal's bond.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

10 April, 1806, c. 21, s. 1, v. 2, p. 372.

U. S. *vs.* Kirkpatrick, 9 Wh., 720; U. S. *vs.* Van Zandt, 11 Wh., 184; Dox *vs.* Postmaster-General, 1 Pet., 325; *vs.* Barton, 6 How., 7.

Suits on marshal's bond; costs.

10 April, 1806, c. 21, s. 2, v. 2, p. 373.

U. S. *vs.* Giles, 9

Cr., 212; U. S. *vs.* Morris, 10 Wh., 246;

Williams *vs.* U. S. 1 How., 290; Gwyn

vs. Barton, 6 How.,

Marshal's bond to remain after judgment as further security.

10 April, 1806, c. 21, s. 3, v. 2, p. 374.

Limitation of suit on marshal's bonds.

10 April, 1806, c. 21, s. 4, v. 2, p. 374.

Duties of marshal.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

U. S. *vs.* Giles, 9 Cr., 212.

Marshals shall have, in each State, the same powers as sheriffs in executing the laws of the United States.

28 Feb., 1795, c. 36, s. 9, v. 1, p. 425. 29 July, 1861, c. 25, s. 7, v. 12, p. 282.

In case of death of the marshals, deputies to continue.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

Marshals and deputy marshals, when removed, or office expires, may execute process in their hands.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle's Lessee *vs.* Bryan, 14 How., 563.

Marshal's returns to the Solicitor of the Treasury.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.

29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Returns of marshals to Auditor of Post-Office Department.

2 July, 1836, c. 270, s. 16, v. 5, p. 83.

Vacancies in office of district attorney and marshal, how filled temporarily.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

Oath of clerks.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.

30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk's bond.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

SEC. 789. In case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal is appointed, as provided in this chapter, and duly qualified. The defaults or misfeasances in office of such deputies in the mean time shall be adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputies, during such interval, as he would be entitled to if the marshal had continued in life and in the exercise of his said office until his successor was appointed and duly qualified.

SEC. 790. Every marshal or his deputy, when removed from office, or when the term for which the marshal is appointed expires, shall have power, notwithstanding, to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal, or when the term for which he is appointed expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified.

SEC. 791. Every marshal shall, within thirty days before the commencement of each term of the circuit and district courts in his district, make returns to the Solicitor of the Treasury of the proceedings had upon all writs of execution, or other process, which have been placed in his hands, for the collection of moneys adjudged and decreed to the United States in the said courts, respectively.

SEC. 792. Every marshal to whom any execution upon a judgment in any suit for moneys due on account of the Post-Office Department has been directed, shall make returns to the Sixth Auditor, at such times as he may direct, of the proceedings which have taken place upon the said process of execution.

SEC. 793. In case of a vacancy in the office of district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer. The appointment made by such justice shall be in writing, which shall be filed in the clerk's office of the circuit court, and a copy thereof shall be entered upon the journal of said court. Any marshal so appointed shall give bond, as if appointed by the President, and the bond shall be approved by said justice. It shall then be filed in the clerk's office of said court, and a copy shall be entered on the journal of the court. A certified copy of such entry shall be prima-facie proof of the execution of such bond, and of the contents thereof.

SEC. 794. The clerk of the Supreme Court, and every clerk and deputy clerk of a circuit or district court, shall, before he enters upon the execution of his office, take an oath or affirmation in the following form: "I, A B, being appointed a clerk of ———, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath.

SEC. 795. The clerk of every court shall give bond, in a sum to be fixed and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper that such bond should be given. A copy of every bond given by a clerk shall be entered on the journal of the court for which he is

appointed, and the bond shall be deposited for safe-keeping as the court may direct. A certified copy of such entry shall be prima-facie proof of the execution of such bond and of the contents thereof.

SEC. 796. Any circuit or district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond shall be recorded and preserved in like manner. But the taking of such bond shall not affect the legal responsibility of the clerk for the acts of such deputy.

SEC. 797. Every clerk of a circuit or district court shall, within thirty days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United States are parties, which have been entered in said courts, respectively, during such term, showing the amount adjudged or decreed, in each case, for or against the United States, and the term to which execution thereon will be returnable.

SEC. 798. At each regular session of any court of the United States, the clerk shall present to the court an account of all moneys remaining therein, or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof shall be filed in the court.

SEC. 799. The clerks of the district and circuit courts may, in the absence or in case of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

Bond of deputy clerks.

30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk to forward to Solicitor of the Treasury a list of judgments.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.
29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Account of payments and moneys in court to be stated by the clerk.

24 March, 1871, c. 2, s. 3, v. 17, p. 2.

Oaths to persons identifying papers in admiralty causes, when administered by clerks.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

CHAPTER FIFTEEN.

JURIES.

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800.	Jurors, qualifications and selection of, according to State laws.	813.	Grand juries of district courts may act in cases cognizable in circuit court.
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805.	Special juries in the circuit courts.	818.	Vermont, charge to grand jury by the circuit court.
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808.	Number of grand jurors; completing jury.	821.	Additional oath for grand and petit jurors.
809.	Foreman of grand jury, appointment and powers of.	822.	Grand and petit jurors, in cases under act 20 April, 1871, c. 22.
810.	Grand juries, when summoned.		
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812.	Jurors not to be summoned oftener than once in two years.		

SEC. 800. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof. And for this purpose the said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating

Jurors, qualifications and selection of, according to State laws.

20 July, 1840, c. 47, v. 5, p. 394.

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

3 March, 1849, c. 118, v. 9, p. 403.