

same from time to time to the assistant treasurers, depositaries, and other officers of the United States, under general regulations, proposed by the Director of the Mint, and approved by the Secretary of the Treasury: *Provided, however,* That the amount coined into quarter dollars, dimes, and half dimes, shall be regulated by the Secretary of the Treasury.

SEC. 5. *And be it further enacted,* That no deposits for coinage into the half dollar, quarter dollar, dime, and half dime, shall hereafter be received, other than those made by the Treasurer of the Mint, as herein authorized, and upon account of the United States.

SEC. 6. *And be it further enacted,* That, at the option of the depositor, gold or silver may be cast into bars or ingots of either pure metal or of standard fineness, as the owner may prefer, with a stamp upon the same designating its weight and fineness; but no piece, of either gold or silver, shall be cast into bars or ingots of a less weight than ten ounces, except pieces of one ounce, of two ounces, of three ounces, and of five ounces, all of which pieces of less weight than ten ounces shall be of the standard fineness, with their weight and fineness stamped upon them; but, in [all] cases, whether the gold and silver deposited be coined or cast into bars or ingots, there shall be a charge to the depositor, in addition to the charge now made for refining or parting the metals, of one half of one per centum; the money arising from this charge of one half per centum shall be charged to the Treasurer of the Mint, and from time to time, on warrant of the Director of the Mint, shall be transferred into the Treasury of the United States: *Provided, however,* That nothing contained in this section shall be considered as applying to the half dollar, the quarter dollar, the dime, and half dime.

SEC. 7. *And be it further enacted,* That from time to time there shall be struck and coined at the Mint of the United States, and the branches thereof, conformably in all respects to law, and conformably in all respects to the standard of gold coins now established by law, a coin of gold of the value of three dollars, or units, and all the provisions of an act entitled "An act to authorize the coinage of gold dollars and double eagles," approved March third, eighteen hundred and forty-nine, shall be applied to the coin herein authorized, so far as the same may be applicable; but the devices and shape of the three dollar piece shall be fixed by the Secretary of the Treasury.

SEC. 8. *And be it further enacted,* That this act shall be in force from and after the first day of June next.

APPROVED, February 21, 1853.

Amount of coinage regulated.

No private deposits for said coins to be received.

Depositors may have their gold and silver cast into ingots or bars.

Charge of half per cent. to the depositor in all cases.

This section not to apply to said silver coins.

Gold coins of \$3 established.

Provisions of act 1849, ch. 109, made applicable to said coin.

To take effect June 2, 1853. 1853, ch. 96 sec. 7.

CHAP. LXXX.—*An Act to Regulate the Fees and Costs to be allowed Clerks, Marshals, and Attorneys of the Circuit and District Courts of the United States, and for other Purposes.*

Feb. 26, 1853.

1855, ch. 175, § 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the compensation now allowed by law to attorneys, solicitors, and proctors in the United States courts, to United States district attorneys, clerks of the district and circuit courts, marshals, witnesses, jurors, commissioners, and printers, in the several States, the following and no other compensation shall be taxed and allowed. But this act shall not be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

Fee bill in lieu of former fees.

This act not to apply to charges to clients.

Fees of Attorneys, Solicitors, and Proctors. In a trial before a jury, in civil and criminal causes, or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided,* That in

Fees of Attorneys, &c., jury trials, and final hearings in

equity and admiralty.	cases in admiralty and maritime jurisdiction, where the libellant shall recover less than fifty dollars, the docket fee of his proctor shall be but ten dollars.
Law cases.	In cases at law, where judgment is rendered without a jury, ten dollars, and five dollars where a cause is discontinued.
Proceedings on recognizances.	For scire facias and other proceedings on recognizances, five dollars.
Depositions.	For each deposition taken and admitted as evidence in the cause, two dollars and fifty cents.
Cases removed.	A compensation of five dollars shall be allowed for the services rendered in cases removed from a district to a circuit court by writ of error or appeal.
Examinations by district attorneys.	For examination by a district attorney, before a judge or commissioner, of a person or persons charged with crime, five dollars per day for the time necessarily employed.
Attendance in court by district attorneys.	For each day of his necessary attendance in a court of the United States, on the business of the United States, when the same shall be held at the place of his abode, five dollars, and the like sum for his attendance for each day of the term when the said court shall be held elsewhere.
Travel of district attorneys.	For travelling from the place of his abode to the place of holding any court of the United States in his district, and to the place of any examination before a judge or commissioner, of a person or persons charged with crime, ten cents per mile for going and ten cents for returning.
In case of conviction on a criminal charge.	When an indictment for crime shall be tried before a jury, and a conviction is had, in addition to the attorney's fees allowed by this act, the district attorney may be allowed a counsel fee in proportion to the importance and difficulty of the cause, not exceeding thirty dollars.
Fees in past cases.	In every case where a district attorney has, during the last six years, prosecuted or defended a suit in which the United States was concerned, in a district where the law allows no taxable attorney's fees, and for which he has received no compensation, except his per diem and annual salary, he shall be paid for his services according to the provisions of this act.
Additional counsel.	For the services of counsel, rendered at the request of the head of a department, such sum as may be stipulated or agreed on.
Joining of several charges in one indictment and consolidating indictments,	Whenever there are or shall be several charges against any person or persons for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offences which may be properly joined, instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments shall be found in such cases, the court may order them consolidated.
and revenue suits for seizures.	Whenever two or more things belonging to the same person or persons are or shall be seized for an alleged violation of the revenue laws, the whole shall be included in one suit; and if not so included, and separate actions are prosecuted, the court may consolidate them.
Provisions where indictments or suits or proceedings are unnecessarily separated.	Whenever two or more indictments, suits or proceedings, are or shall be prosecuted, which should be joined, the district attorney prosecuting them shall be paid but one bill of costs for all of them; and if any attorney, proctor, or other person admitted to manage or conduct causes in any court of the United States, or of the Territories thereof, shall appear to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, such person may be required, by order of the court, to satisfy any excess of costs so increased.
Provisions as to writs and warrants in criminal cases.	Whenever two or more charges are or shall be made, or two or more indictments shall be found against a person, only one writ or warrant shall be necessary to arrest and commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offences, or to refer to them only in very general terms. Only one writ or

warrant shall be necessary to remove a prisoner from one district to another; a copy of which may be delivered to the sheriff or jailor from whose custody the prisoner may be taken, and another copy thereof to the sheriff or jailor to whose custody he may be committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he may be removed. Whenever a prisoner is committed to a sheriff or jailor by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to the sheriff or jailor as his authority to hold the prisoner, and the original writ, warrant, or mittimus, shall be returned to the proper court or officer with the officer's return thereon.

Removal of Prisoners.

Copy of writ, &c. to be delivered to the jailor.

Clerk's Fees. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, summons, or subpœna for a witness, one dollar.

Clerks fees. Issuing processes.

For filing and entering every declaration, plea, or other paper, ten cents.

Filing papers.

For administering every oath or affirmation to a witness, or other person, except a juror, ten cents.

Oaths.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, drawing any bond, or making any record, certificate, return, or report, for each folio fifteen cents; and for a copy of any such entry or record, or of any paper on file, not exceeding one folio, ten cents; and for each additional folio, ten cents.

Entering or ders, &c., and making records and copies.

For making dockets and indexes, and for all other services on the trial or argument of a cause, where issue is joined and testimony given, including venire and taxing costs, three dollars.

Other services in cases.

For making dockets and indexes, and for all other services in a cause where issue is joined and no testimony given, including taxing costs, two dollars.

For making dockets and indexes, and for taxing costs and other services, in a cause which is dismissed, discontinued, or a judgment or decree is made or rendered therein without issue, one dollar.

In equity and admiralty causes only, the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record; and, in case of an appeal, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

What shall be recorded in equity and admiralty cases.

Copies on appeal.

For affixing a seal of the court to any instrument when required, twenty cents. For issuing a writ of subpœna, twenty-five cents. For every search for any particular mortgage, judgment, or other lien, fifteen cents. For travelling from the office of the clerk, where he is required by law to reside, to the place of holding any court required to be held by law, five cents per mile for going and five for returning, and five dollars per day for his attendance on any such court or courts while actually in session.

Other services.

For searching the records of the court for judgments, decrees, and other instruments constituting a general lien upon real estate, and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of the requirements of any statute or order of court, one per cent. on the amount so received, kept, and paid.

In cases removed by writ of error or appeal, the clerk's fees for making dockets and taxing costs, shall be but one dollar, and the clerks of the district and circuit courts respectively, ex officio, shall be, and hereby are, authorized and empowered to administer oaths, take acknowledgments, take and certify affidavits and depositions in the same manner as commissioners, and shall be entitled to the same fees and compensation therefor.

Marshal's Fees.	<i>Marshals' Fees.</i> For service of any warrant, attachment, summons, capias, or other writ, (except execution, venire, or a summons or subpoena for a witness,) two dollars for each person on whom such service may be made: <i>Provided</i> , That on petition, setting forth the facts on oath, the court may allow such fair compensation for the keeping of personal property attached and held on mesne process, as shall, on examination, be found to be reasonable.
Service of process.	
Proviso as to further compensation.	For serving a writ of subpoena on a witness, fifty cents; and no further compensation shall be allowed for any copy, summons, or notice for witness.
Travel.	For travel in going only to serve any process, warrant, attachment, or other writ, including writs of subpoena in civil and criminal cases, six cents per mile, to be computed from the place of service, to the court or place where the writ or process is returned; and if more than one person is served therewith, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto the extra travel, which shall be necessary to serve it on the other: <i>Provided</i> , That when more than two writs of any kind in behalf of the same party or parties, to be served on the same person or persons, or part of the same persons, are or might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names of as many witnesses in a cause, in such subpoena, as convenience in serving the same will permit. And in all cases where mileage is allowed to the marshal by this act, it shall be at his option to receive the same, or his actual travelling expenses, to be proved on his oath to the satisfaction of the court.
Proviso.	
Other things.	For each bail bond, fifty cents. For summoning appraisers, each fifty cents. For every commitment or discharge of a prisoner, fifty cents. For every proclamation in admiralty, thirty cents.
Sales, &c., in admiralty cases.	For sales of vessels or other property, under process in admiralty, or under the order of a court of admiralty, and for receiving and paying the money, for any sum under five hundred dollars, two and one half per centum; for any larger sum, one and one quarter per centum, upon the excess.
Serving process in admiralty.	For serving an attachment <i>in rem</i> or a libel in admiralty, two dollars; and the necessary expenses of keeping boats, vessels, or other property attached or libelled in admiralty, not exceeding two dollars and fifty cents per day; and in case the debt or claim shall be settled by the parties, without a sale of the property, the marshal shall be entitled to a commission of one per cent. on the first five hundred dollars of the claim or decree, and one half of one per cent. on the excess over five hundred dollars: <i>Provided</i> , That in case the value of the property shall be less than the claim, then, and in such case, such commission shall be allowed only on the appraised value thereof.
Proviso.	
Serving final process.	For serving a writ of possession, partition, execution, or any final process, the same mileage as is herein allowed for the service of any other writ; and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set-off, or otherwise, according to law, receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the several States, respectively, in which the service may be rendered.
Summoning jurors.	For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one third cents each; and in those States where jurors, by the laws of the State, are drawn by constables, or other officers of corporate towns or places, by lot, the marshal shall receive for the use of the officers employed in drawing and summoning the jurors and returning each venire, two dollars, and for his

own trouble in distributing the venires, two dollars for each jury: *Provided*, That in no case shall the fees for distributing and serving venires, and drawing and summoning jurors by township officers, including mileage chargeable by the marshal for such service, at any court, exceed fifty dollars.

Proviso.

For travelling from his residence to the place of holding court, to attend a term thereof, ten cents per mile for going only, and five dollars per day for attending the circuit and district courts when they are both in session, or for attending either of said courts when but one is in session, and for bringing in and committing prisoners and witnesses during the term.

Attendance on court.

For executing a deed prepared by a party or his attorney, one dollar.

Deeds.

For drawing and executing a deed, five dollars.

For transporting criminals, ten cents per mile for himself, each necessary guard, and each prisoner.

Transporting criminals.

For copies of writs or papers furnished at the request of any party, ten cents per folio.

Copies.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, five dollars.

Courts of inquiry, &c.

The marshal of the district of South Carolina shall hereafter be entitled to receive a salary of two hundred dollars per annum.

Salary of marshal of South Carolina.

The respective courts of the United States shall appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals are hereby authorized to appoint such a number of persons, not exceeding five, as the judges of their respective courts shall determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands; the compensation to be given only for actual attendance; and when both courts are in session at the same time, to be paid but for attendance on one court.

Criers.

Attendants.

For expenses while employed in endeavoring to arrest under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars per day, in addition to his compensation for service and travel.

Expenses of arrest.

For disbursing money to jurors and witnesses, and for other expenses, two per centum.

Disbursing money.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars per day, and the same for each deputy necessarily attending, not exceeding two.

Attending examinations, &c.

SEC. 2. *And be it further enacted*, That there shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners of the United States, confined in jail for any criminal offence; for the commitment or discharge of such prisoners; for the expenses necessarily incurred for fuel, lights and other contingencies that may accrue in holding the courts within the district, and providing the books necessary to record the proceedings thereof: *Provided*, That the marshal shall not incur an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of building and making improvements thereon, without first submitting a statement and estimates to the Secretary of the Interior, and getting his instructions in the premises.

Marshals to be paid their fees, &c.

Contingencies of court.

Proviso as to furniture and rent.

SEC. 3. *And be it further enacted*, That every district attorney, clerk of a district court, clerk of a circuit court, and marshal of the United States, shall, until otherwise directed by law, upon the first day of January and July in each year, commencing with the first day of July next, or within thirty days from and after the days specified, make to the Se-

District Attorneys, clerks of court and marshal to render accounts to the Home Department.

cretary of the Interior, in such form as he shall prescribe, a return in writing, embracing all the fees and emoluments of their respective offices, of every name and character, distinguishing the fees and emoluments received or payable under the bankrupt act, from those received or payable for any other service; and in the case of a marshal, further distinguishing the fees and emoluments received or payable for services by himself personally rendered, from those received or payable for services rendered by a deputy; and also distinguishing the fees and emoluments so received or payable for services rendered by each deputy, by name, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive; and, also, embracing all the necessary office expenses of such officer, together with the vouchers for the payment of the same for the half year ending on the said first day of January or July, as the case may be, which return shall be, in all cases verified by the oath of the officer making the same. And no district attorney shall be allowed by the said Secretary of the Interior to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk hire included, to be audited and allowed by the proper accounting officers of the treasury, a sum exceeding six thousand dollars per year, and at and after that rate for such time as he shall hold the office; and no clerk of a district court, or clerk of a circuit court, shall be allowed by the said Secretary to retain of the fees and emoluments of his said office, or, in case both of the said clerkships shall be held by the same person of the said offices, for his own personal compensation, over and above the necessary expenses of his office, and necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the treasury, a sum exceeding three thousand five hundred dollars per year, for any such district clerk, or circuit clerk, or at and after that rate for such time as he shall hold the office: *Provided*, That when the compensation of any clerk shall be less than five hundred dollars per annum, the difference, ascertained and allowed by the proper accounting officer of the treasury, shall be paid to him therefrom; and no marshal shall be allowed by the said Secretary to retain of the fees and emoluments of his office, for his own personal compensation, over and above a proper allowance to his deputies, which shall in no case exceed three fourths of the fees and emoluments received as payable for the services rendered by the deputy to whom the allowance is made, and may be reduced below that rate by the said Secretary of the Interior whenever the return shall show that rate of allowance to be unreasonable, and over and above the necessary office expenses of the said marshal, the necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the treasury, a sum exceeding six thousand dollars per year, or at and after that rate for such times as he shall hold the office; and every such officer shall, with each such return made by him, pay into the treasury of the United States, or deposit to the credit of the Treasurer thereof, as he may be directed by the Secretary of the Interior, any surplus of the fees and emoluments of his office, which his half-yearly return so made as aforesaid shall show to exist over and above the compensation and allowances hereinbefore authorized to be retained and paid by him. And in every case where the return of any such officer shall show that a surplus may exist, the said Secretary of the Interior shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officers of his department, and an account to be opened with such officer in proper books to be provided for that purpose, and the allowances for personal compensation for each calendar year shall be made from the fees and emoluments of that year, and not otherwise: *And provided, further*, That nothing in any existing law of Congress authorizing the payment of a per diem compensation to a district attorney, clerk of

Oath.
Limitation of
compensation of
district attor-
neys.

Of clerks.

Proviso.

Of marshals.
Allowance to
deputy marshals.

Surplus of fees.

Allowance to be
made on yearly
fees only.

Proviso.

a district court, or clerk of a circuit court, or marshal, or deputy marshal, for attendance upon the district or circuit courts during their sittings, shall be so construed as to authorize any such payment to any one of those officers for attendance upon either of those courts while sitting for the transaction of business under the bankrupt law merely, or for any portion of the time for which either of the said courts may be held open or in session by the authority conferred in that law; and no such charge in an account of any such officer shall be certified as payable, or shall be allowed and paid out of the money hereinbefore appropriated for defraying the expenses of the courts of the United States. And no per diem or other allowance shall be made to any such officer for attendance at rule days of the circuit or district courts; and when the circuit and district courts sit at the same time, no greater per diem or other allowance shall be made to any such officer than for an attendance on one court.

No allowance for attendance on court at certain days.

The two last provisos of paragraph one hundred and sixty-seven of the Civil and Diplomatic Appropriation act, approved May the eighteenth, one thousand eight hundred and forty-two, which require clerks to certify accounts, and confine the marshals, clerks, and district attorneys of the northern and southern districts of New York to the fees allowed by the State law to clerks, attorneys, counsellors, and sheriffs, for similar services in the State courts, are hereby repealed.

Part of act of 1842, ch. 29, § 167, repealed.

Commissioners' Fees. For administering an oath, ten cents; taking an acknowledgment, twenty-five cents.

Commissioners' fees.

For hearing and deciding on criminal charges, five dollars per day for the time necessarily employed.

For attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of court, three dollars per day.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words, and ten cents per folio for each copy of the same furnished to a party on request.

For issuing any warrant, or writ, or any other service, the same compensation as is allowed to clerks for like services.

For issuing any warrant under the tenth article of the treaty of the ninth of August, eighteen hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any of the crimes or offences set forth in said article, two dollars; and the same sum for any warrant issued under the provisions of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington on the ninth of November, eighteen hundred and forty-three; and for hearing and deciding upon the case of any person charged with any offence or crime, and arrested under the provisions of said treaty, or convention, five dollars per day for the time necessarily employed.

Witnesses' Fees. For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents per mile for travelling from his place of residence to said place of trial or hearing, and five cents per mile for returning. When a witness is subpoenaed in more than one cause between the same parties in different suits at the same court, but one travel fee and one per diem compensation shall be allowed for attendance, to be taxed in the first case disposed of, and "per diem" only in the other causes, to be taxed from that time in each case, in the order in which they may be disposed of.

Witnesses' fees.

When a witness is detained in prison for want of security for his appearance, he shall be entitled to a compensation of one dollar per day over and above his subsistence.

When a clerk or other officer of the United States shall be sent away from his place of business as a witness for the Government, either with or without papers or books, his salary shall continue; his necessary ex-

Fees of salaried officers.

penses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid, but no mileage nor other compensation shall in any case be allowed.

Witnesses
sent home from
abroad.

There shall be paid to such seamen or other person as has been or shall be sent to the United States from any foreign port, station, sea, or ocean, by any United States Minister, Chargé d'Affaires, Consul, Commander, or Captain, to give testimony in any criminal case which has been or may be depending in any court of the United States, such compensation as the court which had or shall have cognizance of the crime, shall adjudge to be right and proper, not to exceed one dollar for each day the said seaman or person has been or shall be necessarily on the voyage, and arriving at the place of examination or trial, exclusive of sustenance and transportation; the court to take into consideration, in fixing said compensation, the condition of said seaman or witness; whether his voyage has been broken up, to his injury, by his being sent to the United States, or not.

If said seaman or person has been or shall be transported in an armed vessel of the United States, no charge for sustenance or transportation shall be made; if in any other vessel, the court may adjudge what compensation shall be paid to the captain of said vessel, and the same shall be paid accordingly: *Provided*, That in no case shall transportation and subsistence be allowed at a rate exceeding fifty cents per diem.

Proviso.

Jurors' fees.

Jurors' Fees. For actual attendance at any court or courts, two dollars per day during such attendance.

For travelling from their residence to said court or courts, five cents per mile for going, and the same for returning.

Printers' fees.

Printers' Fees. For publishing any statute, notice, or order required by law, or the lawful order of any court, department, bureau, or other person, in any newspaper, forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. That the compensation herein provided shall include the furnishing lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication.

The term folio, in this act, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio, but not when there are less, except when the whole statute, notice, or order contains less than fifty words.

What of the
above items are
taxable as costs.

The bill of fees of clerk, marshal, and attorneys, and the amount paid printers, and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trial in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause.

Marshal to pay
jurors and wit-
nesses.

In cases where the United States are parties, the marshal shall, on the order of the court, to be entered in its minutes, pay to the jurors and witnesses all such fees as they may appear by such order to be entitled to, which sums shall be allowed him at the treasury in his accounts.

Fees of said of-
ficers, how paid.

The fees of the marshals, clerks, commissioners, and district attorneys, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the treasury, such accounts to be made out and verified by the party under oath, and forwarded to the First Auditor of the Treasury.

Costs in prize
cases.

In prize cases, where there is a condemnation and sale, the costs, so far as they are payable and can be paid out of the proceeds of sale, shall be paid on the order of the court upon the filing of the taxed bills, making them a portion of the record in the case.

No district attorney, marshal, or clerk, or their deputies, shall receive any other or greater compensation for any services rendered by him than is provided in this act; and all acts and parts of acts, allowing to either of them any other or greater fees than is herein provided, are hereby repealed, and to receive any other or greater compensation is hereby declared to be a misdemeanor. And if any officer hereinbefore mentioned, or his deputy, shall, by reason or cover of his office, wilfully and corruptly demand and receive any other or greater fees than those allowed in this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be had. But this shall not be construed to prohibit the payment of any salary authorized by statute: *Provided*, That in the State of California and the Territory of Oregon, officers, jurors, and witnesses shall be allowed, for the term of two years, double the fees and compensation allowed by this act, and the same fees allowed by this act, with fifty per cent. added thereto, for two years thereafter.

Penalty for receiving greater fees.

Repeal of former provisions.

Proviso.

Double fees in Oregon and California.

That before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated.

Bill of costs of clerks, &c., to be sworn to.

That witnesses who are required to attend any term of the court on the part of the United States, shall be subpoenaed to attend to testify generally on their behalf, and not depart the court without leave of the court or district attorney, under which it shall be their duty to appear before the grand jury or petit jury, or both, as they shall be required by the court or district attorney. No writ shall be necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fee shall be charged by the clerk or marshal.

Witnesses, attendance of.

Bringing into court and remanding prisoners.

SEC. 4. *And be it further enacted*, That if any person shall falsely take an oath or affirmation in relation to any matter authorized by this act, such person shall be deemed guilty of perjury, and upon conviction thereof shall suffer the pains and penalties in that case provided.

Penalty for perjury.

SEC. 5. *And be it further enacted*, That all laws and regulations heretofore made, which are incompatible with the provisions of this act, are hereby repealed and abrogated: *Provided, nevertheless*, That this act shall not be construed to repeal or modify any clause or provision of an act approved the eighteenth September, eighteen hundred and fifty, entitled "An act to amend, and supplementary to the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February twelfth, seventeen hundred and ninety-three."

Repeal of inconsistent laws, save act of 1850, ch. 60, respecting fugitives from labor. Proviso.

SEC. 6. *And be it further enacted*, That the act approved September twenty-eighth, eighteen hundred and fifty, entitled "An act to provide for extending the laws and judicial system of the United States to the State of California," be so amended as to confer on the district court of the State of California jurisdiction in all criminal cases as fully and completely as is conferred by law upon the district or circuit court of the State of New York.

Jurisdiction of district court in California.

1850, ch. 86.

APPROVED, February 26, 1853.