

United States v. The Insurgents.

be in the case, in which the *subpoena* has been actually served. The practice must always *be strict in the previous stages of the business, *335] before an attachment can be awarded; and all the documents, upon which it is awarded, must be filed with the court.

UNITED STATES v. MONTGOMERY.

Process of contempt.

An attachment against a witness, for contempt, must be served by the marshal, in any part of his district.

AN attachment being awarded against the witnesses, who did not attend at the return of the *subpoena* that had issued in this cause, on the part of the defendant, the marshal, Nichols, suggested that they resided in a distant county, and asked the opinion of the court, whether it was his duty to serve the process.

BY THE COURT.—An attachment is the process of the court, regularly issuing for the administration of justice; and therefore, must be served by the marshal.

UNITED STATES v. THE INSURGENTS OF PENNSYLVANIA.¹

Trial for treason.—Jury.—Copy of indictment.

At common law, the court may direct any number of jurors to be summoned, on a consideration of all the circumstances under which the *venire* is issued.

The act of congress which refers the federal courts to the state laws, for certain regulations respecting juries, has respect to the designation and qualification of the jurors, and not to the number of which the panel should consist.

A copy of the caption of the indictment, as well as of the indictment itself, must be delivered to the defendant, three days before the trial.

In the list of the jury and witnesses, furnished to the defendant, the township in which they reside must be given—the county is not sufficient; but the statute does not require their occupations to be stated.

SEVERAL indictments for high treason having been found against persons concerned in the insurrection in the four Western counties of Pennsylvania, a *venire* was issued in each case, for summoning a jury, returnable to the present term; and to each writ, the marshal returned a separate panel, containing the names of thirty-six jurors from the city of Philadelphia, sixteen from the county of Delaware, nine from the county of Chester, and twelve from each county in which the treason was charged to have been committed, making twenty-two jurors on each panel, and one hundred and eight jurors summoned on the whole.

The act of congress (1 U. S. Stat. 88, § 29) having directed “that any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses to be produced on the

¹ For a full account of the western insurrection in Pennsylvania, see Findley's History of that event, and Brackenridge's History of the same transaction, in which the writers consider the subject from opposite political stand points.