

no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a state; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

SEC. 6. *And be it further enacted*, That subpoenas for witnesses who may be required to attend a court of the United States, in any district thereof, may run into any other district: *Provided*, That in civil causes, the witnesses living out of the district in which the court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

Subpoenas for witnesses how far to extend.

SEC. 7. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation and otherwise in a manner not repugnant to the laws of the United States, to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

Courts to make rules for returning writs, &c.

SEC. 8. *And be it further enacted*, That where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the state; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods, without an appraisement.

Goods taken on writ of fieri facias how to be appraised.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXIII.—*An Act to alter the times and places of holding the Circuit Courts, in the Eastern District, and in North Carolina, and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the spring circuit courts of the eastern district, instead of being held at the times and places now established by law for holding the same, shall from henceforth be held at the times and places following respectively, namely; for the district of New York, at New York, on the fifth day of April; for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont, at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June. And if any of the said days shall happen on a Sunday, the

[Obsolete.]
Times for holding spring circuits of eastern district and N. Carolina altered.

1790, ch. 17.
1797, ch. 27.
1806, ch. 13.

The affidavit upon which the writ will issue, must be positive to a debt, or to the belief of the plaintiff that a certain balance is due. *Ibid.*

The Circuit Court of the United States for the district of Pennsylvania awarded a writ of ne exeat on the proper affidavit being made. *Ibid.*

1802, ch. 31.

N. Carolina
circuit court
after June
where to be
held.

District judge
of N. Carolina
how to have ju-
rymen sum-
moned for said
June term.

courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said courts, and all appeals, processes and recognizances returned, or returnable to the same, and all officers, jurors, parties and witnesses, shall be conformable to this act.

SEC. 2. *And be it further enacted*, That from and after the expiration of the session of the circuit court of the state of North Carolina, which is to commence on the first day of June next (which session shall be held, any thing in this act notwithstanding, at Newbern) the stated sessions of the said court shall be held at Wake courthouse, either in the courthouse belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said state; after which, and upon its being made so to appear to the said court, the said court is hereby authorized and directed at the close of the session then depending, to adjourn the said court to meet at its next stated session in the city of Raleigh; which said city of Raleigh shall thereafter be the place at which the stated sessions of the said court shall be constantly held.

SEC. 3. *And be it further enacted*, Inasmuch as there was not a sufficient *quorum* of judges to hold the circuit court for the district of North Carolina, for the purpose of doing business, at November term one thousand seven hundred and ninety-two, that it shall and may be lawful for the district judge of the state of North Carolina to direct the clerk of the said court to issue such process for the purpose of having jurymen summoned to attend the said court at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jurymen ordered by the said process to be summoned shall be ordered to be summoned in the same proportion, and from the same counties, as those jurymen who were ordered to be summoned by the process returnable at November term above mentioned: And the marshal is to execute the said process, and the jurymen legally summoned in consequence thereof, are to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued as usual, by the said court; and the marshal and the jurymen who attend at the said court shall be entitled to the like allowance for their services respectively. And it is hereby declared, that all suits and proceedings of what nature or kind soever which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term in the same manner and to the same effect, as if the said circuit court had been regularly held at November term as aforesaid, and continuances had been regularly held of all such suits and proceedings, from the said last mentioned term to the ensuing term.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

1790, ch. 35.
Repealed by
Act of March 2,
1799, ch. 22.

Hardwick in
Georgia estab-
lished a district.

One port of
entry therein
and a collector.

CHAP. XXIV.—*An Act supplementary to the act, entitled, "An act to provide more effectually for the collection of the Duties imposed by law on Goods, Wares and Merchandise, imported into the United States, and on the Tonnage of Ships or Vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be in the state of Georgia, a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbors, creeks and rivers, between the south point of Ossabaw island, and the south point of Warsaw island; that in the said district the town of Hardwick shall be the only port of entry, and a collector for said district shall be appointed to reside at Hardwick, and the said collector shall be entitled to