

to be the same as used in the Supreme Courts of the States.

Fees to be the same as in the Supreme Courts of the States.

Limitation.

causes of equity, and of admiralty and maritime jurisdiction, (a) shall be according to the course of the civil law; and the rates of fees the same as are or were last allowed by the states respectively in the court exercising supreme jurisdiction in such causes. (b) *Provided*, That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance and be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

APPROVED, September 29, 1789.

STATUTE I.

Sept. 29, 1789.

CHAP. XXII.—*An Act to explain and amend an Act, intituled "An Act for registering and clearing Vessels, regulating the Coasting Trade, and for other purposes."*

Act of Sept. 1, 1789, ch. 11.
Repealed by Act of February 18, 1793, ch. 8.
Goods unladen by permit and transported to a landing in the same district, to be accompanied with a certificate from the inspector or other proper officer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any goods, wares or merchandise of foreign growth or manufacture, shall be unladen from any ship or vessel in virtue of a permit obtained for that purpose, and shall be put into a craft or vessel, with intent to be transported to a landing within the same district, it shall be the duty of the inspector, or other officer attending the unlading of such goods, wares and merchandise, to deliver to the master or commander of every such craft or vessel, a certificate of such goods, wares and merchandise having been duly entered, and a permit granted therefor; and such certificate shall contain a description of all the packages with their marks and numbers, and shall authorize the transportation and landing of the same, at any landing within the same district, without any further fee or permit, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty,

issuing out of the courts of the United States, lands and other property not thus subject by the State laws in force at that time. *Bank of the United States v. Halsted*, 10 Wheat. 51; 6 Cond. Rep. 22.

See *Fullerton v. The Bank of the United States*, 1 Peters, 604. *Yeaton v. Lenox*, 8 Peters, 123. *Toland v. Sprague*, 12 Peters, 300.

The process act of 1828, expressly adopts the mesne process and modes of proceeding in suits at common law, then existing in the highest State court, under the State laws, which of course included all the regulations of the State laws as to bail, and exemption of the party from arrest and imprisonment. In regard also to writs of execution, and other final process, and "the proceedings thereupon," it adopts an equally comprehensive language, and declares they shall be the same as were then used in the courts of the State. *Beers v. Houghton*, 9 Peters, 329. *The Lessee of Walden v. Craig's heirs*, 14 Peters, 147. *The United States v. Knight*, 14 Peters, 401. *Amis v. Smith*, 16 Peters, 303.

So far as the acts of Congress have adopted the forms of process and modes of proceeding and pleading in the State courts, or have authorized the courts to adopt them, and have actually adopted them, they are obligatory; and no further. But no court of the United States is authorized to adopt by rule any provision of State laws which are repugnant to, or incompatible with the positive enactment of Congress upon the jurisdiction, or practice, or proceedings of such courts. *Keary et al. v. The Farmers and Mechanics Bank of Memphis*, 16 Peters, 89. *Duncan v. Darst*, 17 Peters, 209.

(a) The act regulating processes in the courts of the United States, provides that the forms and modes of proceeding in the courts of equity, and in those of admiralty and maritime jurisdiction, shall be according to the principles, rules, and usages which belong to courts of equity, and to courts of admiralty, respectively, as contradistinguished from the courts of common law, subject, however, to alterations by the courts. This act has been generally understood to adopt the principles, rules, and usages of the court of chancery in England. *Manro v. Almedia*, 10 Wheat. 473; 6 Cond. Rep. 190.

(b) The compensation to clerks of courts are regulated by the acts of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 3; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16. Compensation of Marshals, act of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 2; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16.

and not less than five tons burthen, employed between any of the districts of the United States, in any bay or river, and having a license from the collector of the district to which such vessel belongs, from entering and clearing for the term of one year, be extended to vessels not exceeding fifty tons: *provided*, such vessels shall not have on board goods, wares or merchandise, other than such as are actually the growth or produce of the United States.

SEC. 3. *And be it further enacted*, That so much of an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as hath rated the ruble of Russia at one hundred cents, be, and the same is hereby repealed and made null and void.

APPROVED, September 29, 1789.

Exemption of vessels under 20 tons, from entering and clearing extended to vessels of 50 tons having on board goods, &c., the growth or produce of the U. S.

Act of July 31, 1789.

Act of Sept. 1, 1789.

Ruble of Russia, rate of. Repealed.

STATUTE I.

CHAP. XXIII.—*An Act making Appropriations for the Service of the present year.*

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the present year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the several states, or from the duties on impost and tonnage, the following sums, viz. A sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the civil list, under the late and present government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expenses of the department of war; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late board of treasury, and remaining unsatisfied; and a sum not exceeding ninety-six thousand dollars for paying the pensions to invalids.

APPROVED, September 29, 1789.

[Expired.] Specific appropriations of money for expenses of civil list and war department;

also to discharge warrants of late board of treasury, and for pensions to invalids.

STATUTE I.

CHAP. XXIV.—*An Act providing for the payment of the Invalid Pensioners of the United States.*

Sept. 29, 1789.

Act of July 16, 1790, ch. 27.

[Expired.]

Military pensions heretofore paid by the States to be paid from 4th March last for one year, and under what regulations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military pensions which have been granted and paid by the states respectively, in pursuance of the acts of the United States in Congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, September 29, 1789.

STATUTE I.

CHAP. XXV.—*An Act to recognize and adapt to the Constitution of the United States the establishment of the Troops raised under the Resolves of the United States in Congress assembled, and for other purposes therein mentioned.*

Sept. 29, 1789.

[Repealed.]

Act of April 30, 1790, ch. 10, sec. 14.

Establishment of 3d Oct. 1787, recognized for troops in the service of U. S.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the establishment contained in the resolve of the late Congress of the third day of October, one thousand seven hundred and eighty-seven, except