

SEC. 893. The court may establish further rules for taking depositions and all other acts connected therewith, subject to the regulations contained in the thirteenth preceding sections.

Court may establish further rules.

3 March, 1865, c. 106, s. 11, v. 13, p. 529.

#### PROOF OF WILLS BY COMMISSION.

SEC. 894. Whenever a will or codicil shall be exhibited for probate to the supreme court, if any of the witnesses to the same shall reside out of the District, or be temporarily absent therefrom at the time when the will or codicil shall be so exhibited, the court may issue, upon personal notice of not less than twenty days to all parties in interest, a commission to one or more competent persons to take the deposition of such absent witness, in such form as the court may prescribe, touching the execution of such will or codicil, and the competency of the testator at the time of the execution thereof.

Proof of wills by commission.

3 March, 1869, c. 149, v. 15, p. 340.

SEC. 895. In all such cases the original will or codicil shall accompany the commission, and be exhibited to the witnesses.

Will to accompany commission.

Ibid.

Effect of depositions.

Ibid.

SEC. 896. Such depositions, when returned to the court, shall be received therein as competent evidence, and have the same force and effect as if the witnesses were personally present and testifying in the court.

## CHAPTER TWENTY-SIX.

### CERTAIN OFFICERS OF COURTS

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#### PROVISIONS RELATING TO SEVERAL OFFICERS.

SEC. 897. The fees of the clerk, of the marshal, and of the United States district attorney, except, in each case, so far as differently specified in this chapter, shall be the same as the fees respectively allowed to clerks of the district and circuit courts, marshals, attorneys, solicitors, and proctors, by chapter sixteen, "Fees," of Title XIII, "The Judiciary," of the Revised Statutes. [See R. S. U. S., pp. 153-161.]

Fees of clerk, marshal, and attorney.

27 June, 1864, c. 163, s. 1, v. 13, pp. 195, 196.

SEC. 898. The marshal and clerk shall receive their daily compensation for attending court.

Per diem of marshal and clerk.

3 Mar., 1867, c. 23, s. 3, v. 2, p. 431.

Table of fees of marshal and clerk.

Ibid., s. 4.

SEC. 899. It shall be the duty of the marshal and clerk to make a table of their respective fees, in dollars and cents, according to law, and to keep a copy thereof, at all times, exposed to public view in their respective offices.

Attendance at criminal term.

7 July, 1838, c. 192, s. 3, v. 5, p. 307.  
Fees of coroner, &c.

*Ibid.*, s. 8, pp. 307, 308.

Levy Court *vs.* Coroner, 2 Wall., 501.

Pay of bailiffs and criers.

21 June, 1870, c. 140, v. 16, p. 160.

Fees to attorneys and solicitors.

3 Mar., 1807, c. 23, s. 5, v. 2, p. 431.

SEC. 900. The district attorney, marshal, and clerk shall attend the special term sitting as a criminal court, and perform all the duties required of them by law in relation to the criminal business of the court.

SEC. 901. There shall be paid to the coroner of the District, and to the jurors and witnesses who may be lawfully summoned in any inquest, the same fees and compensation as paid to the marshal and the jurors attending the supreme court.

SEC. 902. The marshal shall pay to each bailiff and crier who shall be required to attend upon the district, circuit, and criminal terms of the supreme court, three dollars and fifty cents for each day's attendance, respectively.

SEC. 903. In suits at common law in the supreme court, the taxable fee to an attorney shall be five dollars only; and in suits in chancery, the taxable fee to a solicitor shall be ten dollars only.

## UNITED STATES DISTRICT ATTORNEY.

United States attorney; appointment and duties.

27 Feb., 1801, c. 15, s. 9, v. 2, p. 106.

Oaths and affirmations.

17 June, 1870, c. 133, s. 18, v. 16, p. 156.

No allowance for deputy, or for office expenses.

*Ibid.*, s. 17.

To pay his deputies, &c.

*Ibid.*

Fees, how payable.

*Ibid.*

Limit to compensation.

*Ibid.*

SEC. 904. There shall be appointed an attorney of the United States for the District, who shall take the oath and perform all the duties required of district attorneys of the United States. [See §§ 63, 90, 1069-1071.]

Levy Court *vs.* Ringgold, 2 Cranch, C. C., 659.

SEC. 905. The district attorney, and every assistant or deputy duly appointed by him, is empowered to administer oaths or affirmations to witnesses in criminal cases, and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment and labor in the penitentiary, for the first offense for a period of not less than two nor more than ten years, and for the second offense for not less than five nor more than fifteen years.

SEC. 906. There shall not be allowed to the district attorney any compensation for any permanent assistant or deputy, nor any sum for office expenses, clerk-hire, fuel, stationery, or other incidental expenses.

SEC. 907. He shall pay to his deputies or assistants not exceeding, in all, four thousand dollars per annum, also his clerk-hire, not exceeding twelve hundred dollars per annum, office-rent, fuel, stationery, printing, and other incidental expenses, out of the fees of his office.

SEC. 908. Such fees shall be paid to him quarterly at the Treasury of the United States, on the first days of January, April, July, and October, in each year, upon a return in writing made to the Secretary of the Treasury, in such form as the Secretary shall prescribe, embracing all the fees and emoluments of his office, under the oath of the district attorney, and the certificate of a judge or justice of the court wherein the services may have been rendered, that the services for which fees are charged have been performed.

SEC. 909. The compensation of the district attorney shall not exceed six thousand dollars per annum.

## MARSHAL.

Marshal, appointment and duties.

27 Feb., 1801, c. 15, s. 7, v. 2, p. 106.

SEC. 910. There shall be a marshal for the District, who shall be appointed for the same term, take the same oath, give a bond with sureties in the same manner, and have generally, within the District, the same powers, and perform the same duties, as provided for marshals of the United States. [See §§ 63, 90, 257, 248, 1063, 1066, 1070, 1087. See R. S. U. S., § 4063.]

Brent *vs.* Justices of the Peace, 1 Cranch, C. C., 434; The Levy Court *vs.* Tench Ringgold, 5 Peters, 451.

SEC. 911. For the service of any warrant, attachment, summons, *capias*, or other writ, (except execution, venire, or a summons or subpoena for a witness,) the marshal shall be allowed one dollar, and no more, for each person on whom such service may be made. [See § 1068.]

Fees in certain cases.  
27 June, 1864, c. 163, s. 4, v. 13, p. 196.  
United States *vs.* McDonald, 1 Cranch, C. C., 78; Alexander *vs.* Thomas, 1 Cranch, C. C., 92, 93; Brent *vs.* Justices of the Peace, 1 Cranch, C. C., 434.

SEC. 912. The marshal, or his deputies, may execute and levy executions issued by justices of the peace, for small debts, out of court, when the same are put into their hands for that purpose, and for executing or levying such executions are entitled to the same commission, and no more, as allowed to constables in such cases. [See § 1040.]

Executions issued by justices of the peace.  
1 Mar., 1823, c. 24, s. 10, v. 3, p. 745.

SEC. 913. Where the marshal shall have received money on any judgment or execution, not exceeding twenty dollars, by virtue of the preceding section, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded, or shall omit or fail to return any execution within the time limited for such return, it shall be lawful for the supreme court of the District, on motion made, five days previous notice being given to the marshal, to enter up judgment, instant, against him for the amount so received, with interest and costs.

Failure of marshal to pay over small sums, &c.; proceedings.  
Ibid.

SEC. 914. The marshal, in all civil cases, may demand and receive payment of his fees before serving any process, except in cases in which the United States may be a party, or of *feri facias*, or where the court or any justice thereof may order suit to be instituted without prepayment of costs.

Prepayment of marshal's fees.  
17 June, 1870, c. 134, s. 21, v. 16, p. 157.

#### CLERK OF THE SUPREME COURT.

SEC. 915. The supreme court shall have power to appoint a clerk, who shall take the oath, and give a bond with sureties, in the manner prescribed by law for clerks of district courts of the United States.

[See R. S. U. S., § 704-799.]

Appointment, oath, and bond of clerk.  
3 Mar., 1863, c. 91, s. 2, v. 12, p. 763.

Foster *vs.* Hanson, 1 Cranch, C. C., 12; Patons *vs.* Lee, 2 Cranch, C. C., 646.

SEC. 916. Any of the duties of the clerk may be performed, in his name, by any of the assistant clerks in his office; and such assistants may sign the name of the clerk to any process, certificate, or other official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto, when the impress of the seal is necessary to its authentication. In such cases the signature shall be, "\_\_\_\_\_, Clerk, by \_\_\_\_\_, Assistant Clerk."

Assistant clerks.  
1 June, 1870, c. 115, s. 2, v. 16, p. 146.

SEC. 917. At the commencement of every suit in the supreme court of the District, the plaintiff shall deposit at least eight dollars with the clerk, to be appropriated toward the costs of the suit; and if the plaintiff recover against the defendant a judgment with costs, and the costs do not amount to eight dollars, the overplus shall be paid back to the plaintiff by the clerk.

Plaintiff to make deposit with clerk.  
27 June, 1864, c. 163, s. 3, v. 13, p. 196.

SEC. 918. Suits may be prosecuted by poor persons upon the order of the court, or of one of the justices, without making the deposit prescribed by the preceding section.

*Ex parte* Lee, 4 Cranch, C. C., 197.

Poor persons not required to make deposit.  
Ibid.

SEC. 919. The clerk shall furnish copies of all entries in any docket of justices of the peace in his custody, to persons applying therefor who may be entitled to receive them.

Copies from justices' dockets.  
1 Mar., 1823, c. 24, s. 5, v. 3, p. 744.

SEC. 920. Such copies shall be furnished in the same manner and shall have the same effect, as if made by the justices of the peace.

How made.  
Ibid.

SEC. 921. All costs and fees for services rendered by the clerk, and chargeable to others than the United States, shall be payable immediately after the services are performed, and shall be collected by such rules and regulations, not incompatible with law, as may be prescribed by the court, but shall in no case be paid by the United States.

Fees from private parties, when payable.  
16 Aug., 1856, c. 124, s. 6, v. 11, p. 50.

Fees allowed in certain cases.

27 June, 1864, c. 163, s. 4, v. 13, p. 196.

Semi-annual return of fees.

3 March, 1873, c.

Limit to salary.

Ibid.

Adjustment of accounts.

28 July, 1866, c. 294, s. 2, v. 14, p. 309.

Decree of the court.

Ibid., s. 3.

Accounts, how settled.

Ibid.

Copy of decree.

Ibid., s. 4.

SEC. 922. The fees specified in this section, and no more, shall be allowed to the clerk for the following services :

For all services rendered to the United States, in cases in which the United States is a party of record, five dollars.

For each marriage license, one dollar.

For each certificate of official character, including the seal, fifty cents.

SEC. 923. The clerk shall make semi-annual returns of the amount of fees received by him to the Secretary of the Treasury.

226, s. 1, v. 17, p. 507.

SEC. 924. The salary, emoluments, and fees of the clerk shall not exceed the sum of six thousand dollars per annum, and the excess of fees collected by him, after defraying the necessary expenses of his office, shall be paid into the Treasury of the United States.

SEC. 925. The clerk's accounts of his earnings and expenses shall be adjusted by the regular auditor of the court, or by a special auditor to be appointed by the court for the purpose, within thirty days after the first day of January and July, every year; and the auditor shall immediately report his adjustment to the court, with such exceptions thereto as the clerk shall, within four days after the adjustment reported, take and file with the auditor.

SEC. 926. The court shall pronounce such decree upon the report and exceptions as may seem to it equitable and just; and such decree shall be final, and be binding upon the United States and the clerk.

SEC. 927. If, upon such account, a balance be found due from the clerk to the United States, the court shall order payment by the clerk into the Treasury, and enforce its order by execution, process of contempt, or otherwise; and if the clerk refuse to pay the money, shall remove him from office. If a balance be found due from the United States to the clerk, the same shall be paid upon presenting to the Treasurer a copy of the decree, duly certified.

SEC. 928. The clerk shall, as in other cases of judgments to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree, immediately after it is pronounced.

## CHAPTER TWENTY-SEVEN.

### REGISTER OF WILLS.

Sec.

929. Appointment and duties of register.

930. Bond of register.

931. Fees.

932. Additional fees allowed, when.

Sec.

933. Table of fees to be posted.

934. Forfeiture for neglect.

935. Penalty for taking excessive fees.

936. Record-books and dockets.

Appointment and duties of register.

27 Feb., 1801, c. 15, s. 12, v. 2, p. 107.

Bond of register.

21 June, 1870, c. 138, s. 1, v. 16, p. 160.

SEC. 929. There shall be appointed for the District a register of wills, who shall take an oath for the faithful and impartial discharge of the duties of his office, and who shall have all the powers and perform all the duties which were exercised and performed by the registers of wills of the orphans' court, within the State of Maryland, prior to the twenty-seventh day of February, eighteen hundred and one. [See §§ 63, 90, 144.]

SEC. 930. The register of wills shall, before he acts as such, give a bond to the United States, with two or more sureties, to be approved of by the chief justice of the supreme court of the District, in the sum of five thousand dollars, faithfully to discharge the duties of his office and seasonably to record the decrees and orders of the justice of the supreme court holding the special term for orphans' court business for the District, and all wills proved before him or the court, and all other matters directed to be recorded in the court or in the office of the register, which bond shall be entered in full upon the minutes of the court, and the original filed with the records thereof.