

Guardian *ad interim*.

Notice of application to supersede.

Sureties may complain, &c.

conditions and restrictions as are hereinbefore prescribed in respect to the original election of guardian; and for the interval of time between the removal, death, or incompetency, of the first elected guardian, and the new election of another by such orphan, the said court may, if it deem it expedient, appoint a guardian *ad interim* until such new election be made; taking such security of such guardian *ad interim*, and exercising over him such jurisdiction and powers, as are or may be required and given in the cases of other guardians: *And provided further*, That, where a guardian is to be superseded by such election, he shall have notice of the application by summons, or in writing.

SEC. 2. *And be it further enacted*, That if any surety of a guardian, by petition to the court before which he was bound, setting forth that he apprehends himself or herself to be in danger of suffering thereby, shall pray that he may be relieved, the said court, after a summons to answer the petition shall have been served upon the guardian, or a copy of such summons left at the place of his usual abode, shall order him to give counter security for the complete indemnity of the original surety, or to deliver the ward's estate into the hands of the surety, or of some other person; in either of which cases it shall take sufficient security of the person into whose hands the ward's estate shall be delivered as aforesaid; and such court shall and may make such further and other order for the relief of the petitioner as to it shall seem just.

APPROVED, August 8, 1846.

Aug. 8, 1846.

CHAP. XCVIII. — *An Act to regulate the Proceedings in the Circuit and District Courts of the United States, and for other Purposes.*

Change of time for holding Circuit Court of U. S. for Southern District of New York.

July term abolished.

Either court may remit indictments to the other.

Effect of such remission.

Grand juries of District Courts

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Circuit Court of the United States for the Southern District of New York shall hereafter be held on the third Monday in October, instead of the last Monday in November; and that all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be returnable to and have day in court, and shall be heard, tried, and proceeded with, by the said court, in the same manner as might and ought to have been done, if the court had been held at the time heretofore directed by law; and it is further provided, that the term of the Circuit Court appointed by law to be held on the last Monday in July, in each year, in said district, shall not hereafter be holden.

SEC. 2. *And be it further enacted*, That whenever the district attorney shall deem it necessary, it shall be lawful for any Circuit Court, in session, by order entered on its minutes, to remit to the next term or session of the District Court of the same district any indictment pending in the said Circuit Court, when the offence or offences therein charged may be cognizable by the said District Court; and in like manner it shall be lawful for any District Court to remit to the next term or session of the Circuit Court of the same district any indictment pending in the said District Court; and such remission shall carry with it all recognizances, processes, and proceedings pending in the case in the court from which the remission is made; and the court to which such remission is made shall, after the order of remission is filed therein, act and proceed in the case as if the indictment, and all other proceedings in the same, had been originated in said court.

SEC. 3. *And be it further enacted*, That it shall be lawful for the grand juries impanelled and sworn in any District Court to take

cognizance of all crimes and offences within the jurisdiction of the said Circuit and District Courts, and every indictment for a capital offence, presented to the District Court, shall, by order entered on the minutes of the court, be remitted to the next term and session of the Circuit Court, together with all recognizances taken therein; and on filing such order and indictment with the clerk of said Circuit Court, that court shall thereafter proceed thereupon, the same as if the indictment had been originally found and presented in said court; and the said District Court may, moreover, in like manner, remit to the Circuit Court any indictment pending in said District Court, when, in the opinion of the court, difficult and important questions of law are involved in the case; and the proceedings thereupon shall thereafter be the same in the Circuit Court as if such indictment had been originally found and presented therein. That no grand jury shall hereafter be summoned to attend any Circuit or District Court of the United States, unless the judge of such District Court, or one of the judges of such Circuit Court, shall, in his own discretion, or upon a notification by the district attorney that such jury will be needed, order a *venire* to be issued therefor: *Provided*, That nothing herein shall prevent either of said courts in term from directing a grand jury to be summoned and impanelled, whenever, in its judgment, it may be proper to do so, and at such time as it may direct: *And provided further*, That nothing herein shall operate to extend beyond what the law now permits the imprisonment before indictment found of an individual accused of a crime or offence, or the time during which an individual thus accused may be held under recognizance before indictment found.

may take cognizance of crimes within the jurisdiction of either Court.

Capital indictments to be remitted to Circuit Court.

Other remissions of cases.

How grand juries shall be summoned.

May be summoned at any time.

Proviso.

SEC. 4. *And be it further enacted*, That any party charged with a criminal offence, and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offence; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and endorse on the recognizance, or certified copy thereof, the discharge and *exoneratur* of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

Surrender of criminals by their bail.

SEC. 5. *And be it further enacted*, That if any captain, or other officer or mariner, of a ship or vessel on the high seas, or any other waters within the admiralty and maritime jurisdiction of the United States, shall piratically or feloniously run away with such ship or vessel, or any goods or merchandise on board such ship or vessel to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate, every such person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both, according to the nature and aggravation of the offence.

Penalty against captains, &c., of vessels, for the commission of certain crimes.

SEC. 6. *And be it further enacted*, That upon the necessary proof being made to any judge of the United States, or other magistrate having authority to commit on criminal charges against the laws of the United States, that a person previously admitted to bail on any such criminal charge is about to abscond, and that his bail is insufficient, it shall and may be lawful for any such judge or magistrate to require such person to give better security, or, for default thereof, to cause him to be committed to prison; and, to that end, an order for his arrest may be endorsed on the former commitment, or a new warrant therefor may be issued by such judge or magistrate, setting forth the cause thereof.

New bail to be given in certain cases

SEC. 7. *And be it further enacted*, That, on the application of any

Witnesses to enter into recognizance.

Warrant to issue.

Penalty for refusal to give recognizance.

Witness to remain in confinement

Part of the act of 1838, ch. 182, repealed.

An additional session of the Circuit Court for the Northern District of New York to be held at Albany.

Process or proceedings not to be affected by reason of the change.

Term of District Court at Auburn.

Time of holding the term at Buffalo changed.

Process to compel attendance of witnesses on behalf of criminals.

attorney of the United States for any district, and upon satisfactory proof of the materiality of the testimony of any person who shall be a competent witness, and whose testimony shall, in the opinion of any judge of the United States, be necessary upon the trial of any criminal cause or proceeding in which the United States shall be a party or interested, any such judge may compel such person, so required or deemed by him necessary as a witness, to give recognizance, with or without sureties in his discretion, to appear on the trial of said cause or proceeding and give his testimony therein; and, for that purpose, the said judge may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute criminal or civil process in behalf of the United States, to arrest such person and carry him before such judge. And in case the person so arrested shall neglect or refuse to give said recognizance in the manner required by said judge, the said judge may issue a warrant of commitment against such person, which shall be delivered to said officer, whose duty it shall be to convey such person to the prison mentioned in said mittimus. And the said person shall remain in confinement until he shall be removed to the court for the purpose of giving his testimony, or until he shall have given the recognizance required by said judge.

SEC. 8. *And be it further enacted*, That so much of the act entitled "An Act to increase and regulate the Terms of the Circuit and District Courts for the Northern District of New York," passed July seventh, eighteen hundred and thirty-eight, as requires all issues of fact in the said Circuit Court in which the cause of action shall have arisen west of the line in the said act for that purpose designated to be tried at the term of said Circuit Court to be held at Canandaigua, and all issues of fact in the said court which shall have arisen east of the said line to be tried at Albany, be, and the same is hereby repealed. And that, in addition to the courts now provided by law to be held in the Northern District of New York, a stated session of the Circuit Court of the United States for said Northern District shall be held annually at the City Hall, in the city of Albany, on the third Tuesday of May.

SEC. 9. *And be it further enacted*, That no process issued or proceedings pending in either of the said courts shall be avoided or impaired by the change hereby made in the time and place of holding such court; but all process, bail bonds, and recognizances, returnable at either of the times and places hereby altered, shall be deemed and held to be returnable at the time and place herein designated in lieu thereof, in the same manner as if the same had in terms been made so returnable, and shall have full effect accordingly. And all continuances may be made to conform to the provisions of this act.

SEC. 10. *And be it further enacted*, That hereafter a term of the District Court for the Northern District of New York shall be held in the village of Auburn, on the third Tuesday in August in each year. *And it is further provided*, That the term of the District Court now required by law to be held at the city of Buffalo, on the second Tuesday of October in each year, shall hereafter be held on the second Tuesday of November in each year.

SEC. 11. *And be it further enacted*, That, whenever any indictment shall be pending in any court of the United States, and any defendant thereto shall make an affidavit setting forth that there are witnesses whose evidence is material to his defence, and that he cannot safely go to trial without them, what he expects to prove by each of them, that they are within the district in which the court is held, or within one hundred miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such wit-

nesses, the court in term, or any judge thereof in vacation, may, if it appear proper to do so, order that such witnesses be subpoenaed, if found within the limits aforesaid; and in such case, the costs incurred by such process and the fees of such witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the United States.

Fees & costs, how to be paid.

SEC. 12. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be, and the same are hereby, repealed: *Provided, nevertheless*, That they shall be and remain in full force for the punishment of any crime or offence committed before the passing of this act.

Inconsistent acts repealed except as to crimes already committed.

APPROVED, August 8, 1846.

CHAP. XCIX. — *An Act to attach to the Fort Wayne Land District certain Tracts of Land lying within the Limits of that District which are not now attached to any District.*

Aug. 8, 1846.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the lands in the State of Indiana which lie north of the township line dividing townships twenty-three and twenty-four, and east of the range line dividing ranges four and five east, which lie south of the Wabash River, be, and the same are hereby, attached to the Fort Wayne land district; and all that tract of land which lies north of the township line dividing townships twenty-three and twenty-four, and west of the range line dividing ranges four and five east, and east of the east line of the Crawfordsville land district, be attached to and shall form a part of the Winnemac land district; and all the lands lying south of the said township line, dividing the said townships twenty-three and twenty-four, which were heretofore within the limits of the Fort Wayne land district, including the portions of the late Miami cessions south of said line, be, and the same are, attached to the Indianapolis land district; and all lands lying within any of the aforesaid land districts, which may not have been offered for sale, shall hereafter constitute a part of the land district in which they respectively lie.

Certain lands attached to Fort Wayne land district in Indiana.

APPROVED, August 8, 1846.

CHAP. C. — *An Act to provide for the Distribution of the Edition of the Laws and Treaties of the United States published by Little & Brown, under the Provisions of the Resolution of Congress approved March third, eighteen hundred and forty-five, and for other Purposes.*

Aug. 8, 1846.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the one thousand copies of Little & Brown's edition of the Laws and Treaties of the United States, already purchased by Congress, be distributed, under the direction of the Secretary of State, as follows:

How Little & Brown's edition of the Laws, &c., is to be distributed.

One copy to the President, and one copy to the Vice-President of the United States.

President and Vice-President.

One copy to each of the justices of the Supreme Court of the United States, and to the clerk of said court.

Judges & clerk of Supreme Court.

One copy to each of the heads of departments, and one copy to the Attorney-General of the United States.

Heads of departments and Attorney-General.

One copy to each of the several States and Territories of the Union, to be placed in the library of such State or Territory.

States and Territories.

One copy each to the governments of Great Britain, France, Russia, Austria, Prussia, Spain, Portugal, Sweden, Denmark, Bavaria, The Netherlands, Belgium, Sardinia, Greece, Turkey, Tuscany, The

Certain foreign governments.