CHAPTER TWELVE.

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Exclusive jurisdiction of courts of United States.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78.

First. Of all crimes and offenses cognizable under the authority of the United States.

Martin *vs.* Hunter's Lessee, 1 Wh., 329; Houston *vs.* Moore, 5 Wh., 24, 29; Prigg *vs.* Pennsylvania, 16 Pet., 658; Ely vs. Peck, 7 Conn., 239; The State *vs.* Adams, 4 Blackf., 146; Haney *vs.* Sharp, 1 Dana, 442; U. S. *vs.* Lathrop, 17 Johns., 4; U. S. *vs.* Campbell, Tappan's R., 29; State *vs.* McBride, 1 Rice, (So. C.,) 400; Commonwealth *vs.* Feely, 1 Va. Cases, 321; Jackson *vs.* Rose, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Ketland *vs.* The Cassius, 2 Dall., 365; Martin *vs.* Hunter's Lessee, 1 Wh., 329; Houston *vs.* Moore, 5 Wh., 24, 29; Prigg *vs.* Pennsylvania, 16 Pet., 658; Hall *vs.* Warren, 2 McLean, 332; Ely *vs.* Peck, 7 Conn., 239; The State *vs.* Adams, 4 Blackf., 146; Haney *vs.* Sharp, 1 Dana, 442; U. S. *vs.* Lathrop, 17 Johns., 4; U. S. *vs.* Campbell, Tappan's R., 276; State *vs.* McBride, 1 Rice, (So. C.,) 400; Commonwealth *vs.* Feely, 1 Va. Cases, 321; Jackson *vs.* Rose, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

The Hine *vs.* Trevor, 4 Wall., 555, (569;) The Belfast, 7 Wall., 625.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction.

3 March, 1867, c. 169, s. 25, v. 14, p. 483. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Slocum *vs.* Mayberry, 2 Wh., 1; Gelston *vs.* Hoyt, 3 Wh., 246, (312.)

Fifth. Of all cases arising under the patent-right or copyright laws of the United States. Patent and copy right cases.

8 July, 1870, c. 230, ss. 55, 56, 58, 106, v. 16, pp. 206, 207, 215.

Sixth. Of all matters and proceedings in bankruptcy. 2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens. States.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Georgia *vs.* Brailsford, 2 Dall., 402; Chisholm *vs.* Georgia, 2 Dall., 419; Hollingsworth *vs.* Virginia, 3 Dall., 378; New York *vs.* Connecticut 4 Dall., 1; Governor of Georgia *vs.* Madrazo, 1 Pet., 110; New Jersey *vs.* New York, 5 Pet., 284; Rhode Island *vs.* Massachusetts, 12 Pet., 657; Florida *vs.* Georgia, 11 How., 293.

Eighth. Of all suits or proceedings against embassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls. Foreign ministers and their servants, and consuls.

24 Sept., 1789, c. 20, ss. 9, 11, 13, v. 1, pp. 76, 78, 80.—U. S. *vs.* Ravara, 2 Dall., 297; Cohens *vs.* Virginia, 6 Wh., 407; Davis *vs.* Packard, 7 Pet., 276; St. Luke's Hospital *vs.* Barkley *et al.*, 3 Blatchf., 259.

SEC. 712. The justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God." Oath of United States judges.

24 Sept., 1789, c. 20, s. 8, v. 1, p. 76.

SEC. 713. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor. Judges prohibited from practicing law.

18 Dec., 1812, c. 5, v. 2, p. 788.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation. Judges resigning entitled, in certain cases, to salary for life.

10 April, 1869, c. 22, s. 5, v. 16, p. 45.

SEC. 715. The circuit and district courts may appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance, and, when both courts are in session at the same time, only for attendance on one court. Criers of the courts, attendants on juries.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 165. 2 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 716. The Supreme Court and the circuit and district courts shall have power to issue writs of scire facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law. Power to issue writs.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 2 March, 1793, c. 22, s. 5, v. 1, p. 334.

Mandamus: McIntire *vs.* Wood, 7 Cr., 504; Kendall *vs.* U. S., 12 Pet., 524; Decatur *vs.* Paulding, 14 Pet., 497; Brashear *vs.* Mason, 6 How., 92; Commissioners of Knox County *vs.* Aspinwall, 24 How., 376; Supervisors *vs.* U. S., 4 Wall., 435; Commr. Patents *vs.* Whitely, 4 Wall., 522; Van Hoffman *vs.* City of Quincy, 4 Wall., 535; U. S. *vs.* The Commissioner, 5 Wall., 563; Riggs *vs.* Johnson County, 6 Wall., 166; Walkley *vs.* Muscatine, 6 Wall., 481; *Ex parte* De Groot, 6 Wall., 497; Benbow *vs.* Iowa City, 7 Wall., 313; *Ex parte* Bradley, 7 Wall., 364; Butz *vs.* City of Muscatine, 8 Wall., 575; The Mayor *vs.* Lord, 9 Wall., 409; Litchfield *vs.* The Register and Receiver, 9 Wall., 575; Bath County *vs.* Amy, 13 Wall., 244; Graham *vs.* Norton, 15 Wall., 427; Insurance Com. *vs.* Comstock, 16 Wall., 258; *In re* Turner, 3 Wall., jr., C. C., 258; Spraggins *vs.* County Court, Cooke, 160.

Injunctions: Georgia *vs.* Brailsford, 2 Dall., 402; New York *vs.* Connecticut, 4 Dall., 1; Diggs *vs.* Wolcott, 4 Cr., 179; Marine Insurance Co. *vs.* Hodgson, 7 Cr., 332; Osborne *vs.*