

writs of error could have been sued out or appeals taken to the Supreme Court, and shall proceed to hear and determine the same. [See § 704.]

SEC. 570. Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court. [See § 938.]

SEC. 571. The district courts for the western district of Arkansas, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court; and shall proceed therein in the same manner as a circuit court.

1848, c. 151, s. 8, v. 9, p. 281. Miss., 16 Feb., 1839, c. 27, s. 1, v. 5, p. 317. S. C., 21 Feb., 1823, c. 11, v. 3, p. 726; 16 Aug., 1856, c. 119, ss. 1, 3, v. 11, p. 43. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Commissioners to administer oaths to appraisers.

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

Certain district courts to have circuit-court jurisdiction.

Ark., 3 Mar., 1851, c. 24, s. 3, v. 9, p. 595.

Ga., 11 August,

S. C., 21 Feb.,

W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

CHAPTER FOUR.

DISTRICT COURTS—SESSIONS.

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SEC. 572. The regular terms of the district courts shall be held at the times and places following, but when any of said dates shall fall on Sunday, the term shall commence on the following day:

In the southern district of Alabama, at Mobile, on the fourth Monday in April, and the second Monday after the fourth Monday in November.

In the middle district of Alabama, at Montgomery, on the fourth Monday in May and November.

In the northern district of Alabama, at Huntsville, on the third Monday in May and November.

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October.

In the western district of Arkansas, at Fort Smith, on the second Monday in May and November, and at Helena on the second Monday in March and September.

Terms of district courts.

Alabama.

7 Aug., 1848, c. 143, ss. 1, 2, v. 9, p. 274.

4 May, 1852, c. 25, s. 1, v. 10, p. 5.

2 March, 1827, c. 41, s. 1, v. 4, p. 226.

9 June, 1860, c. 85, s. 1, v. 12, p. 23.

Arkansas.

15 June, 1836, c. 100, s. 4, v. 5, p. 51.

3 March, 1839, c. 81, s. 5, v. 5, p. 337.

3 March, 1851, c. 24, s. 2, v. 9, p. 594. 3 March, 1871, c. 106, ss. 1, 5, v. 16, pp. 471, 472.

- California.** In the district of California, at San Francisco, on the first Monday in April, on the second Monday in August, and on the first Monday in December.
 19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.
- Connecticut.** In the district of Connecticut, at New Haven, on the fourth Tuesday in February; at Hartford, on the fourth Tuesday in May; at New Haven, on the fourth Tuesday in August, and at Hartford on the fourth Tuesday in November.
 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
 6 Feb., 1812, c. 20, v. 2, p. 676.
- Delaware.** In the district of Delaware, at Wilmington, on the second Tuesday in January, April, June, and September.
 10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.
- Florida.** In the northern district of Florida, at Tallahassee, on the first Monday in February, at Pensacola, on the first Monday in March, and at Jacksonville, on the first Monday in December.
 27 July, 1868, c. 270, s. 1, v. 15, p. 239.
 23 Feb., 1847, c. 20, s. 2, v. 9, p. 131.
- Georgia.** In the northern district of Georgia, at Atlanta, on the first Monday in March and September.
 In the southern district of Georgia, at Savannah, on the second Tuesday in February, May, August, and November.
 9 July, 1794, c. 64, s. 2, v. 1, p. 396.
 29 April, 1802, c. 31, s. 15, v. 2, p. 165. 11 Aug., 1848, c. 151, ss. 1, 2, v. 9, p. 280. 4 June, 1872, c. 284, s. 3, v. 17, p. 218.
- Illinois.** In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
 In the southern district of Illinois, at Springfield, on the first Monday in January and June, and at Cairo, on the first Monday in March and October.
 13 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
 23 April, 1856, c. 18, s. 1, v. 11, p. 4.
 3 July, 1868, c. 118, s. 1, v. 15, p. 82.
- Indiana.** In the district of Indiana, at Indianapolis, on the first Tuesday in May and November, and at New Albany, on the first Monday in January and July, and at Evansville, on the first Monday in February and August.
 10 March, 1838, c. 33, s. 1, v. 5, p. 215.
 20 Feb., 1863, c. 47, s. 1, v. 12, p. 657. 30 June, 1870, c. 180, s. 1, v. 16, p. 175.
- Iowa.** In the northern division of the district of Iowa, at Dubuque, on the third Tuesday in April and November.
 In the southern division, at Keokuk, on the third Tuesday in March and September.
 In the central division, at Des Moines, on the second Tuesday in May and the third Tuesday in October.
 In the western division, at Council Bluffs, on the third Tuesday in January and July.
 3 March, 1859, c. 88, ss. 5, 6, 7, v. 11, pp. 437, 438.
 15 July, 1862, c. 178, s. 1, v. 12, p. 576.
 3 March, 1863, c. 69, s. 2, v. 12, p. 699.
 30 June, 1870, c. 178, s. 2, v. 16, p. 174.
- Kansas.** In the district of Kansas, at the seat of government, on the second Monday in April, and at Leavenworth, on the second Monday in October.
 29 Jan., 1861, c. 20, s. 5, v. 12, p. 128. 8 June, 1872, c. 341, v. 17, p. 334.
- Kentucky.** In the district of Kentucky, at Covington, on the second Monday in May and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the second Monday in April and the first Monday in November.
 15 May, 1862, c. 71, s. 1, v. 12, p. 386.
 1 Mar., 1873, c. 215, v. 17, p. 484.
- Louisiana.** In the district of Louisiana, at New Orleans, on the third Monday in February, May, and November.
 20 July, 1854, c. 99, s. 1, v. 10, p. 307.
 27 July, 1866, c. 280, s. 1, v. 14, p. 300.
- Maine.** In the district of Maine, at Portland, on the first Tuesday in February; at Bangor, on the fourth Tuesday in June; at Bath, on the first Tuesday in September, and at Portland on the first Tuesday in December.
 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
 28 Nov., 1811, c. 2, s. 1, v. 2, p. 667.
 27 Jan., 1831, c. 10, s. 1, v. 4, p. 434. 15 Feb., 1843, c. 32, s. 2, v. 5, p. 600. 14 July, 1862, c. 174, s. 1, v. 12, p. 575.

- In the district of Maryland, at Baltimore, on the first Tuesday in March, June, September, and December. Maryland.
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. 29 April, 1802, c. 31, s. 15, v. 2, p. 165.
- In the district of Massachusetts, at Boston, on the third Tuesday in March, on the fourth Tuesday in June, on the second Tuesday in September, and on the first Tuesday in December. Massachusetts.
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. 9 June, 1794, c. 64, s. 2, v. 1, p. 396. 3 March, 1813, c. 45, s. 3, v. 2, p. 815.
- In the eastern district of Michigan, at Detroit, on the first Tuesday in March, June, and November. Michigan.
24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.
- In the western district of Michigan, at Grand Rapids, on the third Monday in May and October.
- In the district of Minnesota, at Winona, on the first Monday in June, and at Saint Paul on the first Monday in October. Minnesota.
3 March, 1859, c. 74, s. 1, v. 11, p. 402. 5 April, 1866, c. 26, s. 1, v. 14, p. 14.
- In the northern district of Mississippi, at Oxford, on the first Monday in June and December. Mississippi.
18 June, 1838, c. 115, ss. 1, 2, v. 5, p. 247. 16 May, 1866, c. 83, s. 1, v. 14, p. 48. 5 May, 1830, c. 89, s. 1, v. 4, p. 399. 3 March, 1835, c. 34, s. 1, v. 4, p. 773.
- In the southern district of Mississippi, at Jackson, on the fourth Monday in January and June.
- In the eastern district of Missouri, at Saint Louis, on the first Monday in May and November. Missouri.
3 March, 1857, c. 100, s. 2, v. 11, p. 197. 25 Feb., 1873, c. 200, s. 5, v. 17, p. 477.
- In the western district of Missouri, at Jefferson, on the first Monday in March and September.
- In the district of Nebraska, at Omaha, on the first Monday in May and on the first Wednesday after the second Tuesday in October. Nebraska.
25 March, 1867, c. 7, s. 2, v. 15, p. 5. 3 March, 1873, c. 263, v. 17, p. 601.
- In the district of Nevada, at Carson City, on the first Monday in February, May, and October. Nevada.
27 Feb., 1865, c. 64, s. 1, v. 13, p. 440.
- In the district of New Hampshire, at Portsmouth, on the third Tuesday in March and September; at Exeter, on the third Tuesday in June and December. New Hampshire.
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
- In the district of New Jersey, at Trenton, on the third Tuesday in January, April, June, and September. New Jersey.
4 June, 1844, c. 169, s. 1, v. 9, p. 303.
- In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in August; at Auburn, on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and place within the counties of Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by a notice of at least twenty days published in the State paper of the State of New York, and in one newspaper published at the place where said court is to be held; and said term shall be held only for the trial of issues of fact arising within said counties. New York.
4 July, 1864, c. 245, s. 1, v. 13, p. 385. 29 May, 1830, c. 213, s. 1, v. 4, p. 422. 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.
- In the southern district of New York, in the city of New York, on the first Tuesday in every month.
- In the eastern district of New York, in Brooklyn, on the first Wednesday in every month.
- In the eastern district of North Carolina, at Elizabeth City, on the third Monday in April and October; at New Berne, on the fourth Monday in April and October; and at Wilmington, on the first Monday after the fourth Monday in April and October. North Carolina.
10 Mar., 1828, c. 16, s. 1, v. 4, p. 254. 1 July, 1870, c. 188, v. 16, p. 180. 4 June, 1872, c. 282, s. 2, v. 17, p. 215.
- In the western district of North Carolina, at Greensborough, on the first Monday in April and October; at Statesville, on the third Monday in April and October; and at Asheville, on the first Monday in May and November.

- Ohio.** In the northern district of Ohio, at Cleveland, on the first Tuesday in January, April, and October; and at Toledo, two terms, to be held at such times as shall be fixed by the judge of said district.
 7 July, 1870, c. 214, v. 16, p. 192.
 23 May, 1872, c. 201, v. 17, p. 157.
 21 Feb., 1863, c. 49, v. 12, p. 657.
- Oregon.** In the district of Oregon, at Portland, on the first Monday in March, July, and November.
 19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.
- Pennsylvania.** In the eastern district of Pennsylvania, at Philadelphia, on the third Monday in February, May, August, and November.
 9 June, 1794, c. 64, s. 2, v. 1, p. 396.
 20 April, 1818, c. 108, s. 1, v. 3, p. 462.
 15 May, 1820, c. 111, s. 1, v. 3, p. 598.
 5 April, 1826, c. 23, s. 1, v. 4, p. 153. 8 May, 1840, c. 23, s. 1, v. 5, p. 380. 27 July, 1842, c. 68, s. 1, v. 5, p. 496. 28 July, 1866, c. 304, s. 1, v. 14, p. 342. 21 Feb., 1871, c. 63, v. 16, p. 429.
- Rhode Island.** In the district of Rhode Island, at Providence, on the first Tuesday in February and August; at Newport, on the second Tuesday in May, and on the third Tuesday in October.
 23 Mar., 1804, c. 31, s. 4, v. 2, p. 273.
- South Carolina.** In the eastern district of South Carolina, at Charleston, on the first Monday in January, May, July, and October. In the western district, at Greenville, on the first Monday in August.
 10 Feb., 1858, c. 5, s. 1, v. 11, p. 260.
 16 August, 1856, c. 119, s. 1, v. 11, p. 43. 21 February, 1823, c. 11, v. 3, p. 726.
- Tennessee.** In the eastern district of Tennessee, at Knoxville, on the second Monday in January and July.
 25 June, 1868, c. 79, s. 1, v. 15, p. 80.
 In the middle district of Tennessee, at Nashville, on the third Monday in April and October.
 In the western district of Tennessee, at Memphis, on the fourth Monday in May and November.
- Texas.** In the eastern district of Texas, at Brownsville, on the first Monday in March and October; at Galveston, on the first Monday in May and December.
 21 Feb., 1857, c. 57, s. 2, v. 11, p. 164.
 11 June, 1858, c. 147, s. 1, v. 11, p. 314.
 In the western district of Texas, at Austin, on the first Monday in January and June; at Tyler, on the fourth Monday in April, and on the first Monday in November.
- Vermont.** In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the Monday next after the fourth Tuesday in July; at Rutland, on the sixth day of October.
 29 April, 1802, c. 31, s. 27, v. 2, p. 166.
 22 March, 1816, c. 31, s. 1, v. 3, p. 258. 3 March, 1823, c. 45, s. 1, v. 3, p. 776. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 February, 1869, c. 43, s. 1, v. 15, p. 274.
- Virginia.** In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk on the first Monday in May and November.
 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403.
 1 Feb., 1872, c. 10, v. 17, p. 27.
 13 April, 1872, c. 99, v. 17, p. 52.
 In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Abingdon, on the Tuesday after the fourth Monday in May and October; and at Harrisonburgh, on the Tuesday after the first Monday in May, and the Tuesday after the second Monday in October.
- West Virginia.** In the district of West Virginia, at Clarksburgh, on the twenty-fourth days of March and August; and at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September.
- Wisconsin.** In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; at Milwaukee, on the first Monday in January and October.
 29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.
 9 May, 1872, c. 143, s. 1, v. 17, p. 88.
 In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.

SEC. 573. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return-day thereof.

Effect of altering terms of district courts.

See all acts altering terms.

SEC. 574. The district courts, as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, shall be deemed always open, for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any district judge may, upon reasonable notice to the parties, make, and direct and award, at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

Court always open as court of admiralty, for certain purposes.

23 August, 1842, c. 188, s. 5, v. 5, p. 517.

SEC. 575. The district court for the southern district of Florida shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction.

District court in southern district of Florida.

23 February, 1847, c. 20, s. 2, v. 9, p. 131.

SEC. 576. The district courts of the districts of Wisconsin shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury.

District courts in Wisconsin.

29 May, 1848, c. 50, s. 4, v. 9, p. 234.

29 June, 1870, c. 175, ss. 1, 3, v. 16, p. 171. 26 February, 1845, c. 20, v. 5, p. 726.

SEC. 577. In the districts of Kentucky and Indiana, the terms of the district courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term of the court elsewhere; but the court intervening may be adjourned over till the business of the court in session is concluded.

Kentucky and Indiana; how terms may be held.

Ky., 15 May, 1862, c. 71, s. 6, v. 12, p. 386.

Ind., 30 June, 1870, c. 180, s. 6, v. 16, p. 175.

SEC. 578. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

Monthly adjournments for trial of criminal causes.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

SEC. 579. The judge of any district court in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, and Texas, may adjourn the same from time to time, to meet the necessities or convenience of the business.

Adjourned terms.

Ind., 30 June, 1870, c. 180, s. 5, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. La., 20 July, 1854, c. 99, s. 1, v. 10, p. 307; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 24 February, 1863, c. 54, s. 2, v. 12, p. 661. Ohio, 10 February, 1855, c. 73, s. 2, v. 10, p. 605. Pa., 20 April, 1818, c. 108, s. 1, v. 3, p. 462; 26 May, 1824, c. 170, s. 1, v. 4, p. 50; 28 July, 1866, c. 304, s. 1, v. 14, p. 342. Tex., 21 February, 1857, c. 57, s. 2, v. 11, p. 164.—Mechanics' Bank vs. Withers, 6 Wh., 106.

SEC. 580. In the districts of Kentucky and Indiana the intervention of a term of the district court at another place, or of a circuit court, shall not preclude the power to adjourn over to a future day.

Adjourned terms in Kentucky and Indiana.

15 May, 1862, c. 71, s. 4, v. 12, p. 386; 30 June, 1870, c. 180, s. 5, v. 16, p. 175.

SEC. 581. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. And any business may be transacted at such special term which might be transacted at a regular term.

Special terms.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73.

Ala., 6 February, 1839, c. 20, s. 2, v. 5, p. 315; 9 June, 1860, c. 85, s. 3, v. 12, p. 29.

Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51; 3 March, 1851, c. 24, s. 2, v. 9, p. 594. Cal., 28 September, 1850, c. 86, s. 3, v. 9, p. 522. Fla., 3 March, 1845, c. 75, s. 4, v. 5, p. 788; 23 February, 1847, c. 20, s. 2, v. 9, p. 131. Ill., 3 March, 1851, c. 44, s. 1, v. 9, p. 606. Ind., 30 June, 1870, c. 180, s. 4, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. N. Car., 4 June, 1872, c. 282, s. 4, v. 17, p. 215. N. Y., 4 July, 1864, c. 245, s. 1, v. 13, p. 385. Tenn., 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. Va., 3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. Wis., 29 May, 1848, c. 50, s. 4, v. 9, p. 234; 29 June, 1870, c. 175, s. 4, v. 16, p. 171.

Tennessee; when circuit judges may act as district judges.

3 March, 1843, c. 74, s. 2, v. 5, p. 610.

Adjournment in case of non-attendance of the judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

26 March, 1804, c. 44, v. 2, p. 291.

Adjournment in case of non-attendance of the judge, in certain districts.

Ala., 10 March, 1824, c. 23, s. 9, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 10, v. 5, p. 316.

Cal., 28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. Ga., 18 August, 1848, c. 151, s. 10, v. 9, p. 281. Ind., 30 June, 1870, c. 180, s. 2, v. 16, p. 175. Iowa, 3 March, 1849, c. 124, s. 1, v. 9, p. 411. Ky., 15 May, 1862, c. 71, s. 2, v. 12, p. 386. N. Car., 23 Jan., 1812, c. 17, s. 2, v. 2, p. 676. Tenn., 18 June, 1838, c. 118, s. 7, v. 5, p. 250. W. Va., 26 May, 1824, c. 167, s. 3, v. 4, p. 49.

Adjournment in Kentucky and Indiana, by written order, within first three days of terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.

30 June, 1870, c. 180, s. 2, v. 16, p. 175.

Intermediate terms in California, Iowa, and Tennessee.

28 Sept., 1850, c. 86, s. 6, v. 9, p. 522.

3 March, 1849, c. 124, s. 1, v. 9, p. 411.

18 June, 1838, c. 118, s. 8, v. 5, p. 250.

18 June, 1839, c. 3, s. 1, v. 5, p. 313.

Business certified to circuit court in case of disability of district judge.

2 March, 1809, c. 27, s. 1, v. 2, p. 534.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Ex parte U. S., 1 Gallis., 338.

SEC. 582. In the case of the non-attendance of the district judge of Tennessee at any term of the district court in either of the districts thereof, the circuit justice, or circuit judge of the circuit to which such district belongs, may hold such term, and shall have and exercise the jurisdiction and powers given by law to a district judge.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 583. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, the court may be adjourned by the marshal, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct.

44, v. 2, p. 291.

SEC. 584. If the judge of any district court in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, or West Virginia is not present at the time for opening the court, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear by two o'clock after noon of the fourth day, the clerk shall adjourn the court to the next regular term. But this section is subject to the provisions of the preceding and next sections.

Ga., 18 August, 1848, c. 151, s. 10, v. 9, p.

Iowa, 3 March, 1849, c. 124, s. 1, v. 9, p.

N. Car., 23 Jan., 1812, c. 17, s. 2, v. 2, p.

W. Va., 26 May, 1824, c. 167, s. 3, v. 4,

p. 49.

SEC. 585. In the districts of Indiana and Kentucky, the district judge, in the case provided in the preceding section, may, by a written order to the clerk within the first three days of his term, adjourn the district court to a future day within thirty days of the first day. The clerk shall give notice of such adjournment by posting a copy of said order on the front door of the court-house where the court is to be held.

180, s. 2, v. 16, p. 175.

SEC. 586. Whenever the judge of any district court in the districts of California, Iowa, and Tennessee fails to hold any regular term thereof, it shall be his duty, if it appears that the business of the court requires it, to hold an intermediate term. Such intermediate term shall be appointed by an order under his hand and seal, addressed to the clerk and marshal at least thirty days previous to the time fixed therein for holding it, and the order shall be published the same length of time in the several newspapers published within such districts respectively. And at such intermediate term the business of the court shall have reference to and be proceeded with in the same manner as if it were a regular term.

SEC. 587. When satisfactory evidence is shown to the circuit judge of any circuit, or, in his absence, to the circuit justice allotted to the circuit, that the judge of any district therein is disabled to hold a district court, and to perform the duties of his office, and an application accordingly is made in writing to such circuit judge or justice, by the district attorney or marshal of the district, the said judge or justice, as the case may be, may issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be held in said district all suits and processes, civil and criminal, depending in said district court, and undetermined, with all the proceedings thereon, and all the files and papers relating thereto. Said order shall be immediately published in one or more newspapers printed in said district, at least thirty days before the session of such circuit court, and shall be sufficient notification to all concerned; and thereupon the circuit court shall proceed to hear and determine the suits and processes so certified. And all bonds and recognizances taken for, or returnable to, such district court, shall be held to be taken for, and returnable to, said circuit court, and shall have the same effect

therein as they could have had in the district court to which they were taken. [Sec § 637.]

SEC. 588. When an order has been made as provided in the preceding section, the clerk of the district court shall continue, during the disability of the district judge, to certify, as aforesaid, all suits, pleas, and processes, civil and criminal, thereafter begun in said court, and to transmit them to the circuit court next to be held in that district; and the said court shall proceed to hear and determine them as provided in said section: *Provided*, That when the disability of the district judge ceases or is removed, the circuit court shall order all such suits and proceedings then pending and undetermined therein, in which the district courts have an exclusive original cognizance, to be remanded, and the clerk of such court shall transmit the same, with all matters relating thereto, to the district court next to be held in that district; and the same proceedings shall then be had in the district court as would have been had if such suits had originated or been continued therein.

SEC. 589. In the case provided in the two preceding sections the circuit judge, and in his absence the circuit justice, shall have and exercise, during such disability, all the powers of every kind vested by law in such district judge. But this provision does not require them to hold any special court, or court of admiralty, at any other time than that fixed by law for holding the circuit court in said district.

SEC. 590. When the business of a circuit^(a) court is certified into the circuit court on account of the disability of the district judge, the district clerk shall be authorized, by order of the circuit judge, or, in his absence, of the circuit justice within whose circuit such district is included, to take, during such disability, all examinations and depositions of witnesses, and make all necessary rules and orders, preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

SEC. 591. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, or of the circuit court in his district in the absence of the other judges, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the district clerk to the judge so designated and appointed.

SEC. 592. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge shall hear appeals from the district court.

SEC. 593. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any circuit next contiguous; and said appointment shall be transmitted

^(a) Should be *district* court.

Suits brought in district court after order to certify to circuit court.

2 March, 1809, c. 27, s. 2, v. 2, p. 535.

Ex parte U. S., 1 Gallis., 338.

Powers of district judge vested, during disability, in circuit judge.

2 March, 1809, c. 27, s. 2, v. 2, p. 534.

Preparatory examinations and orders in admiralty cases by district clerk.

2 March, 1809, c. 27, s. 3, v. 2, p. 535.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

District judge designated to perform duties of disabled judge.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

10 April 1869, c. 22, s. 2, v. 16, p. 44.

Designation of another judge in case of accumulation of business.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

When designation of another judge to be by Chief Justice United States.

29 July, 1850, c. 30, s. 2, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Revocation and new appointment.

29 July, 1850, c. 30, s. 4, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Duty of district judge to comply with designation and appointment.

29 July, 1850, c. 30, s. 3, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

Designation of district judge when public interest requires.

3 March, 1871, c. 113, s. 3, v. 16, p. 494.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

Expenses of a district judge designated to southern district of New York.

5 March, 1872, c. 35, v. 17, p. 36.

Disability of district judges in Florida.

24 Feb., 1855, c. 125, v. 10, p. 615.

Disability of judge of northern and southern districts of New York.

3 April, 1818, c. 32, s. 1, v. 3, p. 414.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge of eastern district of New York may act in southern district.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge is interested in suit pending before him.

3 March, 1831, c. 51, v. 3, p. 643.

to the district clerk, and be acted upon by him as directed in the preceding section.

SEC. 594. The circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge within the said circuits, for the duties, and with the powers mentioned in the three preceding sections, and to revoke any previous designation and appointment.

SEC. 595. It shall be the duty of the district judge who is designated and appointed under either of the four preceding sections, to discharge all the judicial duties for which he is so appointed, during the continuance of such disability, or, in the case of an accumulation of business, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the district judge of the said district.

SEC. 596. It shall be the duty of every circuit judge, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section five hundred and ninety-one, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or in aid of any other district judge within the same circuit; and it shall be the duty of the district judge, so designated and appointed, to hold the district or circuit^(a) as aforesaid, without any other compensation than his regular salary as established by law, except in the case provided in the next section.

SEC. 597. Whenever a district judge, from another district, holds a district or circuit court in the southern district of New York, in pursuance of the preceding section, his expenses, not exceeding ten dollars a day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and shall be allowed in the marshal's account.

SEC. 598. When a certificate of the judge of either of the districts of Florida, stating that he is disabled to hold any regular, special, or adjourned term of the court of such district, and requesting the judge of the other district to hold the same, is filed in the clerk's office of the place where it is to be held, the judge of the other district is authorized to hold such courts, and to exercise all the powers of district judge, in the district of the judge so certifying.

SEC. 599. Whenever the judge of the northern district of New York is disabled to perform the duties of his office, it shall be the duty of the judge of the southern district, upon receiving from him notice thereof, to hold the district court, and to perform all the duties of district judge for such district. And whenever the judge of the southern district is so disabled, it shall be the duty of the judge of the eastern district, upon a like notice, to hold the district court, and to perform all the duties of district judge for the southern district. In such cases the said judges, respectively, shall have the same powers as are vested in the judge so disabled.

SEC. 600. Whenever the judge of the southern district of New York deems it desirable, on account of the pressure of public business or other cause, that the judge of the eastern district shall perform the duties of a district judge in the southern district, an order to that effect may be entered upon the records of the district court thereof; and thereupon the judge of the eastern district shall have power to hold the district court, and to perform all the duties of district judge for the southern district.

SEC. 601. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause

(^a) The word *court* omitted.

the fact to be entered on the records of the court; and, also, an order that an authenticated copy thereof, with all the proceedings in the suit, shall be forthwith certified to the next circuit court for the district; and if there be no circuit court therein, to the next circuit court in the State; and if there be no circuit court in the State, to the next convenient circuit court in an adjoining State; and the circuit court shall, upon the filing of such record with its clerk, take cognizance of and proceed to hear the case, in like manner as if it had originally and rightfully been commenced therein. [Sec § 637.]

SEC. 602. When the office of judge of any district court is vacant, all process, pleadings, and proceedings pending before such court shall be continued of course until the next stated term after the appointment and qualification of his successor; except when such first-mentioned term is held as provided in the next section.

SEC. 603. When the office of district judge is vacant in any district in a State containing two or more districts, the judge of the other or of either of the other districts may hold the district court, or the circuit court in case of the sickness or absence of the other judges thereof, in the district where the vacancy occurs, and discharge all the judicial duties of judge of such district, during such vacancy; and all the acts and proceedings in said courts, by or before such judge of an adjoining district, shall have the same effect and validity as if done by or before a judge appointed for such district.

8 May, 1792, c. 36, s. 11, v. 1, p. 278.

Spencer vs. Lapsley, 20 How., 266.

Continuances by vacancy in office of district judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

6 August, 1861, c. 59, v. 12, p. 318.

Vacancy in office of district judge.

6 August, 1861, c. 59, v. 12, p. 318.

CHAPTER FIVE.

JUDICIAL CIRCUITS.

Sec. 604. Circuits.

SEC. 604. The judicial districts of the United States are divided into nine circuits as follows:

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit includes the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

Ninth. The ninth circuit includes the districts of California, Oregon, and Nevada.

Circuits.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

30 March, 1820, c. 27, s. 1, v. 3, p. 554.

23 July, 1866, c. 210, s. 2, v. 14, p. 209.

25 March, 1867, c. 7, s. 2, v. 15, p. 5.