

said court that is or may be given to the clerks of other circuit courts in like cases.

SEC. 626. The compensations of deputies of clerks of the circuit courts shall be paid by the clerks, respectively, and allowed, in the same manner that other expenses of the clerks' offices are paid and allowed.

SEC. 627. Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary, who shall be called "commissioners of the circuit courts," and shall exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts. [See §§ 2025, 2026.]

SEC. 628. No marshal, or deputy marshal, of any of the courts of the United States shall hold or exercise the duties of commissioner of any of the said courts.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

Commissioners.

2 Mar., 1793, c. 22, s. 4, v. 1, p. 334.

20 Feb., 1812, c. 25, s. 1, v. 2, p. 679.

1 Mar., 1817, c. 30, v. 3, p. 350.

Marshals not to be commissioners.

16 Aug., 1856, c. 124, s. 13, v. 11, p. 50.

CHAPTER SEVEN

CIRCUIT COURT—JURISDICTION.

- Sec.
- 629. Jurisdiction.
 - 630. In bankruptcy.
 - 631. Appeals in admiralty causes.
 - 632. Copies of proofs and entries certified to appellate court.
 - 633. Writ of error to judgment of district courts.
 - 634. Circuit court in and for the three districts of Alabama.
 - 635. Writs of error and appeals within one year.
 - 636. Judgment or decree on review.
 - 637. Jurisdiction of cases transferred from district courts on account of disability, &c.
 - 638. Courts always open for certain purposes.
 - 639. Removal of suits against aliens, &c., where amount of \$500 in dispute.
 - 640. Removal of suits against corporations organized under a law of the United States.
 - 641. Removal of causes against persons denied any civil right, &c.
 - 642. When petitioner is in actual custody of State court.
 - 643. Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

- Sec.
- 644. Removal of suits by aliens in a particular case.
 - 645. When copies of records are refused by clerk of State court.
 - 646. Attachments, injunctions, and indemnity bonds to remain in force after removal.
 - 647. Removal of suits where parties claim land under titles from different States.
 - 648. Issues of fact; when to be tried by jury.
 - 649. Issues of fact tried by the court.
 - 650. Division of opinion in civil causes; decision by presiding judge.
 - 651. Division of opinion in criminal causes; certificate.
 - 652. Division of opinion in civil causes; certificate.
 - 653. Business of the circuit court for the two districts of Missouri transferred, how.
 - 654. Process issued out of former circuit court for Missouri.
 - 655. Transfer of cases between eastern and western districts.
 - 656. Custody of books, papers, &c., of circuit court of Missouri.
 - 657. Circuit court for southern district of New York, how limited.

SEC. 629. The circuit courts shall have original jurisdiction as follows:

First. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

Dall., 7; Turner *vs.* Bank of North America, 4 Dall., 8; Mossman *vs.* Higginson, 4 Dall., 12; Abercrombie *vs.* Dupuis, 1 Cr., 343; Hepburn *vs.* Ellzey, 2 Cr., 445; Strawbridge *vs.*

Jurisdiction.

Aliens, citizens of different States.

24 Sept., 1879, c. 20, s. 11, v. 1, p. 78.

Emory *vs.* Greenough, 3 Dall., 369; Bingham *vs.* Cabot, 3 Dall., 382; Turner *vs.* Enrille, 4

Curtiss, 3 Cr., 267; Mantalet vs. Murray, 4 Cr., 46; Chappel DeLaine vs. Dechenaux, 4 Cr., 306; Pollard vs. Dwight, 4 Cr., 421; Brown vs. Strode, 5 Cr., 303; Sere vs. Pitto, 6 Cr., 332; New Orleans vs. Winter, 1 Wh., 91; Morgan's Heirs vs. Morgan, 2 Wh., 290; Cameron vs. McRoberts, 3 Wh., 593; Young vs. Bryan, 6 Wh., 146; Wormley vs. Wormley, 8 Wh., 422; Childress vs. Emery, 8 Wh., 642; Gracie vs. Palmer, 8 Wh., 699; Mollan vs. Torrance, 9 Wh., 537; McDonald vs. Smally, 1 Pet., 620; Jackson vs. Twentyman, 2 Pet., 136; Bank of Kentucky vs. Wister, 2 Pet., 318; Connolly vs. Taylor, 2 Pet., 556; Buckner vs. Finley, 2 Pet., 586; Battier vs. Hine, 7 Pet., 252; Breedlove vs. Nicolet, 7 Pet., 413; Dunn vs. Clark, 8 Pet., 1; Boyce's Executors vs. Grundy, 9 Pet., 275; Livingston vs. Story, 11 Pet., 351; Clarke vs. Matthewson, 12 Pet., 164; Toland vs. Sprague, 13 Pet., 300, 327; Bank of Augusta vs. Earle, 13 Pet., 519; Bank of Vicksburgh vs. Slocomb, 14 Pet., 60; Irvine vs. Lowry, 14 Pet., 293; Levy vs. Fitzpatrick, 15 Pet., 171; Gordon vs. Longest, 16 Pet., 97; McNutt vs. Bland, 2 How., 9; Gwyn vs. Breedlove, 2 How., 19; Louisville Railroad Company vs. Letson, 2 How., 497; Gwyn vs. Barton, 6 How., 7; Bank of United States vs. Moss, 6 How., 31; Shelton vs. Tiffin, 6 How., 163; Smith vs. Kernochen, 7 How., 198; Sheldon vs. Sill, 8 How., 441; Shelby vs. Bacon, 10 How., 56; Chaffee vs. Hayward, 12 How., 208; Coffee vs. Planters' Bank, 13 How., 183; Haff vs. Hutchinson, 14 How., 586; Marshall vs. Baltimore and Ohio Railroad Company, 16 How., 314; Herndon vs. Ridgway, 17 How., 424; Jones vs. League, 18 How., 76; Lafayette Insurance Company vs. French, 18 How., 404; Union Bank vs. Vaiden, 18 How., 503; Jones vs. McMasters, 20 How., 8; Hyde vs. Stone, 20 How., 175; Chaffee vs. Hayward, 20 How., 208; Covington Drawbridge Company vs. Shepherd, 20 How., 227; Whyte vs. Gibbes, 20 How., 541; Irvine vs. Marshall, 20 How., 565; Covington Drawbridge Company vs. Shepherd, 21 How., 122; White vs. Railroad, 21 How., 575; Barber vs. Barber, 21 How., 582; Green's Administratrix vs. Creighton, 23 How., 90; Eberly vs. Moore, 24 How., 147; Fitch vs. Creighton, 24 How., 159; Freeman vs. Howe, 24 How., 460; Railroad vs. Wheeler, 1 Bl., 286; Minnesota Com. vs. Saint Paul Com., 2 Wall., 609; De Sobry vs. Nicholson, 3 Wall., 420; Barney vs. Baltimore City, 6 Wall., 287; Cowles vs. Mercer County, 7 Wall., 118; Payne vs. Hook, 7 Wall., 425; Bradley vs. Rhine's Admn'r, 8 Wall., 393; Bushnell vs. Kennedy, 9 Wall., 387; Hornthall vs. Collector, 9 Wall., 566; Reilly vs. Golding, 10 Wall., 56; Jones vs. Andrews, 10 Wall., 327; Pennsylvania vs. Quicksilver Com., 10 Wall., 556; Coal Company vs. Blatchford, 11 Wall., 172; Insurance Company vs. Francis, 11 Wall., 210; Rice vs. Houston, 13 Wall., 66; Railway Company vs. Whitton, 13 Wall., 270; Christmas vs. Russell, 14 Wall., 69; City of Lexington vs. Butler, 14 Wall., 282; Horn vs. Lockhart, 17 Wall., 570; Martin vs. Taylor, 1 Wash. C. C., 1; Gale vs. Babcock, 4 Wash. C. C., 199, 344; Bobyshall vs. Oppenheimer, 4 Wash. C. C., 482; United States vs. Ravara, 2 Dall., 297; Saint Luke's Hospital vs. Barclay, 3 Blatch., 259; Graham vs. Stucken, 4 Blatch., 50; Barr vs. Simpson, Bald., 543; Hatch vs. Dorr, 4 McLean, 112; Thaxter vs. Hatch, 6 McLean, 68; Bradford vs. Jenks, 2 McLean, 130; Wilkenson vs. Wilkenson, 2 Cur. C. C., 582; Dundas vs. Bowler, 3 McLean, 204; United States vs. Green, 4 Mas., 427.

Suits in equity by the United States.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

Suits at common law by United States or officers.

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

Suits under import, internal-revenue, and postal laws.

Imports, 2 March 1833, c. 57, s. 2, v. 4, p. 632.

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

Suits for the enforcement of penalties.

3 March, 1855, c. 213, s. 15, v. 10, p. 720.

Condemnation of property used for insurrectionary purposes.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.

Second. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Third. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs.

3 March, 1815, c. 101, s. 4, v. 3, p. 245.—Dugan vs. U. S., 3 Wh., 172; Postmaster-General vs. Early, 12 Wh., 136; Parsons vs. Bedford, 3 Pet., 433; U. S. vs. Barker, 1 Paine, 156; Lorman vs. Clarke, 2 McLean, 572.

Fourth. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws.

Internal revenue, 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 483. Postal laws, 3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Fifth. Of all suits and proceedings for the enforcement of any penalties provided by laws regulating the carriage of passengers in merchant vessels. [See § 4270.]

Sixth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and eight, Title "INSURRECTION." [See §§ 5308, 5309.]

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Union Insurance Co. vs. U. S., 6 Wall., 759.

Seventh. Of all suits arising under any law relating to the slave-trade. Suits under slave-trade laws.

22 March, 1794, c. 11, s. 1, v. 1, p. 347. 10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, s. 7, v. 2, p. 28. 20 April, 1818, c. 91, ss. 1, 2, 4, 7, v. 3, pp. 450, 451, 452. 3 March, 1819, c. 101, s. 1, v. 3, p. 532.—U. S. *vs.* La Vengeance, 3 Dall., 297; U. S. *vs.* Schooner Sally, 2 Cr., 406; U. S. *vs.* Schooner Betsey and Charlotte, 4 Cr., 443; The Sarah, 8 Wh., 391.

Eighth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. Suits on debentures. [See § 3039.]

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States. Patent and copyright suits.

8 July, 1870, c. 230, ss. 55, 106, v. 16, pp. 206, 215.—Allen *vs.* Blunt, 1 Blatch., 480; Good-year *vs.* Day, 1 Blatch., 565; Goodyear *vs.* Union India Rubber Co., 4 Blatch., 63; Burr *vs.* Gregory, 2 Paine, 426; Brooks *vs.* Stolly, 3 McLean, 523; Pulte *vs.* Derby, 5 McLean, 328.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations. Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy *vs.* Gibson, 8 Wall., 506.

Eleventh. Of all suits brought by or against any banking association established in the district for which the court is held, under the provisions of Title "THE NATIONAL BANKS," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. Suits to enjoin the Comptroller of the Currency. [See § 5237.]

Twelfth. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States. Suits for injuries on account of acts done under laws of the United States.

13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438. 31 May, 1870, c. 114, v. 16, p. 140.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States. Suits to recover offices. [See § 2010.]

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. Suits for removal of officers holding contrary to 14th amendment. [See § 1786.]

31 May, 1870, c. 114, s. 14, v. 16, p. 143. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Fifteenth. Of all suits to recover pecuniary forfeitures under any act to enforce the right of citizens of the United States to vote in the several States. Suits for penalties under laws to enforce elective franchise.

31 May, 1870, c. 114, ss. 2, 3, 4, 8, v. 16, pp. 140, 141, 142. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Sixteenth. Of all suits authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States. [See §§ 1977, 1979.]

20 April, 1871, c. 114, s. 1, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 114. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Suits on account of injuries by conspirators in certain cases.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.—

Suits against persons having knowledge of conspiracy, &c.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

Suits against officers and owners of vessels.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

Crimes and offenses.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

U. S. *vs.* Hudson and Goodwin, 7 Cr., 32; U. S. *vs.* Cooledge, 1 Wh., 415; U. S. *vs.* Bevans, 3 Wh., 336; U. S. *vs.* Coombs, 12 Pet., 72; State of Pennsylvania *vs.* Wheeling Bridge, 13 How., 563; U. S. *vs.* Jackalow, 1 Bl., 484; U. S. *vs.* Holliday, 3 Wall., 407; U. S. *vs.* Wood, 2 Wh., Cr. Cas., 325; U. S. *vs.* Ta-wan-ga-ca, Hemp., 304; U. S. *vs.* Terrell, Hemp., 411, 422; U. S. *vs.* Alberty, Hemp., 444.

In bankruptcy.

2 March, 1867, c. 176, ss. 2, 8, v. 14, pp. 518, 520.

Appeals in admiralty causes.

24 Sept., 1789, c. 20, s. 21, v. 1, p. 83.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

30 June, 1864, c. 170, s. 13, v. 13, p. 310.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.—*Mordecai vs. Lindsay*, 19 How., 199; *Montgomery vs. Anderson*, 21 How., 386; U. S. *vs.* Woonson, 1 Gallis., 4; *Mellon vs. U. S.*, 1 Gallis., 226; *Hollen and Cargo*, 1 Mas., 431.

Copies of proofs and entries certified to appellate court.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ of error to judgments of district courts.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

Patterson vs. U. S., 2 Wh., 221; *Smith vs. Allyn*, 1 Paine, 453; *Postmaster-General vs. Cross*, 4 Wash. C. C., 326.

Circuit court in and for the three districts of Alabama.

3 March, 1873, c. 223, s. 4, v. 17, p. 485.

Writs of error and appeals within one year.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Seventeenth. Of all suits authorized by law to be brought by any person on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

Blyew vs. U. S., 13 Wall., 581.

Eighteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. [See § 1981.]

Nineteenth. Of all suits and proceedings arising under section fifty-three hundred and forty-four, Title "CRIMES," for the punishment of officers and owners of vessels, through whose negligence or misconduct the life of any person is destroyed.

Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein.

SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law.

SEC. 631. From all final decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

SEC. 632. In case of an appeal, as provided by the preceding section, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

SEC. 633. Final judgments of a district court in civil actions, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error.

SEC. 634. The circuit court in and for the three districts of Alabama shall exercise appellate and revisory jurisdiction of the decrees and judgments of the district courts for the said districts, under the laws conferring and regulating the jurisdiction, powers, and practice of circuit courts in cases removed into such courts by appeal or writ of error.

SEC. 635. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability. [See § 1903.]

SEC. 636. A circuit court may affirm, modify, or reverse any judgment, decree, or order of a district court brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the district court, as the justice of the case may require.

SEC. 637. When any cause, civil or criminal, of whatever nature, is removed into a circuit court, as provided by law, from a district court wherein the same is cognizable, on account of the disability of the judge of such district court, or by reason of his being concerned in interest therein, or having been of counsel for either party, or being so related to or connected with either party to such cause as to render it improper, in his opinion, for him to sit on the trial thereof, such circuit court shall have the same cognizance of such cause, and in like manner, as the said district court might have, or as said circuit^(a) might have if the same had been originally and lawfully commenced therein; and shall proceed to hear and determine the same accordingly. [Sec §§ 587, 601.]

SEC. 638. The circuit courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesue 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 judge of a circuit court 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.

SEC. 639. Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause,

(^a) The word *court* omitted in the Roll.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Jurisdiction of cases transferred from district courts on account of disability, &c.

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

3 March, 1821, c. 51, v. 3, p. 643.

Courts always open for certain purposes.

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

Removal of suits against aliens, &c., where amount of \$500 in dispute.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

27 July, 1866, c. 288, v. 14, p. 306.

2 March, 1867, c. 196, v. 14, p. 558.

Eurtetiqui vs. D'Arcy, 9 Pet., 692; *Gordon vs. Longest*, 16 Pet., 97; *Kanouse vs. Martin*, 15 How., 198; *Parker vs. Overman*, 18 How., 137; *Wood vs. Davis*, 18 How., 467; *Green vs. Custar*, 23 How., 484; *West vs. Aurora City*, 6 Wall., 139; *Bushnell vs. Kennedy*, 9 Wall., 387; *Insurance Co. vs. Weide*, 9 Wall., 677; *Railway Com. vs. Whitton*, 13 Wall., 270; *City of Lexington vs. Butler*, 14 Wall., 282; *Case of the Sewing Machine Com's*, 18 Wall., 553; *Muns vs. Dupont*, 2 Wash. C. C., 463; *Beardsley vs. Torrey*, 4 Wash. C. C., 286; *Wright vs. Wells*, 1 Pet. C. C., 220; *Ladd vs. Tudor*, 3 Wood & M. C. C., 325; *Matthews vs.*

Lyall, 6 McLean, 13; *Brownell vs. Gordon*, 1 McAll. C. C., 207; *Gier vs. Gregg*, 4 McLean, 202; *Wilson vs. Blodgett*, 4 McLean, 363; *McLeod vs. Duncan*, 5 McLean, 342; *Hubbard vs. Northern R. R.*, 3 Blatch., 84; *Bliven vs. New England Screw Co.*, 3 Blatch. C. C., 111; *Barney vs. Globe Bank*, 5 Blatch. C. C., 107; *Screw Co. vs. Bliven*, 3 Blatch. C. C., 240; *Suydam vs. Ewing*, 2 Blatch. C. C., 359; *Sayles vs. Northwestern Ins. Co.*, 2 Curt. C. C., 212; *Bristol vs. Chapman*, 34 How. Pr., 140; *Shelby vs. Hoffman*, 7 Ohio St., 450; *In re Turner*, 3 Wall., Jr., 258; *In re Girard*, 3 Wall., Jr., 263; *Ward vs. Arredund*, 1 Paine, 410; *McVaughter vs. Cassily*, 4 McLean, 351; *Spraggins vs. County Court*, Cooke, 160; *Gibson vs. Johnson*, Peters C. C., 44; *Jersey vs. Babcock*, 4 Wash. C. C., 344; *Charter Oak Ins. Co. vs. Star Ins. Co.*, 6 Blatch. C. C., 208; *Roberts vs. Nelson*, 8 Blatch. C. C., 74; *Beecher vs. Gillett*, 1 Dill. C. C., 308; *Hatch vs. Railroad*, 6 Blatch. C. C., 105; *Bixby vs. Couse*, 8 Blatch. C. C., 73; *Field vs. Larmsdale*, 1 Deady, 288; *Dart vs. McKinney*, 9 Blatch., 359; *Akerly vs. Vilas*, 1 Abb. C. C., 284; *Fields vs. Lamb*, 1 Deady, 430; *Sands vs. Smith*, 1 Dillon, 290; *Johnson vs. Monell*, 1 Wool. C. C., 390; *Case vs. Douglass*, 1 Dillon, 299; *Boggs vs. Willard*, 16 Int. Rev. Rec., 22.

Removal of suits against corporations organized under a law of United States.

27 July, 1868, c. 255, s. 2, v. 15, p. 227.

27 July, 1866, c. 288, s. 1, v. 14, p. 306.

Fisk vs. Union P. R. R., 8 Blatch., 343.

Removal of causes against persons denied any civil right, &c.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

3 March, 1863, c. 81, s. 5, v. 12, p. 756.

11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.

Commonwealth vs. Artman, 3 Grant, 436.

Hodgson vs. Milward, 3 Grant, 418.

or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

SEC. 640. Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

SEC. 641. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court, at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed, for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket

the case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate, under the seal of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. [Sec § 1977.]

SEC. 642. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI, "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or another process except *capias*, the clerk of the circuit court shall issue a writ of certiorari to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by *capias*, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further

When petitioner is in actual custody of State court.

5 Feb., 1867, c. 27, v. 14, p. 385.

3 March, 1863, c. 81, s. 5, v. 12, p. 756.

11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

2 March, 1833, c. 57, s. 3, v. 4, p. 633.

13 July, 1866, c. 184, s. 67, v. 14, p. 171.

28 Feb., 1871, c. 99, s. 16, v. 16, p. 438.

Coggins vs. Lawrence, 2 Blatch. C. C., 304; *Wood vs. Matthews*, 2 Blatch. C. C., 370; *Van Zandt vs. Maxwell*, 2 Blatch. C. C., 421; *Abranches vs. Schell*, 4 Blatch. C. C., 256; *Warner vs. Fowler*, 4 Blatch. C. C., 311; *Victor vs. Cisco*, 5 Blatch. C. C., 128; *Benchley vs. Gilbert*, 8 Blatch., 147; *Salem and Lowell R. R. vs. Boston and Lowell R. R.*, 21 Law Rep., 210; *Peyton vs. Bliss*, 1 Wool. C. C., 170.

proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non prosecution may be rendered against him, with costs for the defendant.

Removal of suits by aliens in a particular case.

30 March, 1872, c. 72, v. 17, p. 44.

When copies of records are refused by clerk of State court.

2 March, 1833, c. 57, s. 4, v. 4, p. 634.
28 Feb. 1871, c. 99, s. 17, v. 16, p. 439.

Attachments, injunctions, and indemnity bonds to remain in force after removal.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.
27 July, 1866, c. 288, v. 14, p. 306.
2 March, 1867, c. 196, v. 14, p. 558.
27 July, 1868, c. 255, s. 2, v. 15, p. 227.
9 April, 1866, c. 31, s. 3, v. 14, p. 27.
3 March, 1863, c. 81, s. 5, v. 12, p. 756.
11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.
5 Feb., 1867, c. 27, v. 14, p. 385.
2 March, 1833, c. 57, s. 3, v. 4, p. 633.
13 July, 1866, c. 184, s. 67, v. 14, p. 171.
28 Feb., 1871, c. 99, s. 16, v. 16, pp. 438, 439.

SEC. 644. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

SEC. 645. In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

SEC. 646. When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given in such State court.

SEC. 647. If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

Removal of suits where parties claim land under titles from different States.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

Town of Pawlet vs. Clark, 9 Cr., 292.

SEC. 648. The trial of issues of fact in the circuit courts shall be by jury, except in cases of equity and of admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy, and by the next section.

Issues of fact, when to be tried by jury.

20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501.—Elmore vs. Grymes, 1 Pet., 471; De Wolf vs. Rabaud, 1 Pet., 497; Crane vs. Morris's Lessee, 6 Pet., 609; Silsby vs. Foote, 14 How., 222; Castle vs. Bullard, 23 How., 183.

24 Sept., 1789, c.

vs. Grymes, 1 Pet., 471; Crane vs. Morris's Lessee, 6 Pet., 609; Silsby vs. Foote, 14 How., 222; Castle vs. Bullard, 23 How., 183.

SEC. 649. Issues of fact in civil cases in any circuit court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. [See § 700.]

Issues of fact tried by the court.

3 March, 1865, c. 86, s. 4, v. 13, p. 501.

Grayham vs. Bayne, 18 How., 60;

Guild vs. Frontin, 18 How., 135; McGavock vs. Woodlief, 20 How., 225; Suydam vs. Williamson, 20 How., 432; Kelsey vs. Forsyth, 21 How., 85; Campbell vs. Boyreau, 21 How., 223; Burr vs. Des Moines Co., 1 Wall., 99; Sanlet vs. Shepherd, 4 Wall., 502; Insurance Co. vs. Tweed, 7 Wall., 44; Genesee vs. Bonnemer, 7 Wall., 564; Basset vs. U. S., 9 Wall., 38; Norris vs. Jackson, 9 Wall., 125; Flanders vs. Tweed, 9 Wall., 425; Copeland vs. Insurance Co., 9 Wall., 467; Coddington vs. Richardson, 10 Wall., 516; Bethel vs. Mathews, 13 Wall., 1; Dirst vs. Morris, 14 Wall., 484; Insurance Co. vs. Folsom, 18 Wall., 237.

SEC. 650. Whenever, in any civil suit or proceeding in a circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge shall prevail, and be considered the opinion of the court for the time being.

Division of opinion in civil causes; decision by presiding judge.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

SEC. 651. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court upon which the judges are divided in opinion, the point upon which they disagree shall, during the same term, upon the request of either party, or of their counsel, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session; but nothing herein contained shall prevent the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment shall not be allowed nor punishment inflicted in any case where the judges of such court are divided in opinion upon the question touching the said imprisonment or punishment. [See § 697.]

Division of opinion in criminal causes; certificate.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

Ogle vs. Lee, 2 Cr., 33; Hepburn vs. Ellzey, 2 Cr., 445; U. S. vs. Tyler, 445; U. S. vs. Daniel, 6 Wh., 542; Wayman vs. Southard, 10 Wh., 1; Devereaux vs. Marr, 12 Wh., 212; De Wolf vs. Usher, 3 Pet., 269; Saunders vs. Gould, 4 Pet., 392; Grant vs. Raymond, 6 Pet., 218;

7 Cr., 285; Ross vs. Triplett, 3 Wh., 600; U. S. vs. Lancaster, 5 Wh., 434; U. S. vs. Daniel, 6 Wh., 542; Wayman vs. Southard, 10 Wh., 1; Devereaux vs. Marr, 12 Wh., 212; De Wolf vs. Usher, 3 Pet., 269; Saunders vs. Gould, 4 Pet., 392; Grant vs. Raymond, 6 Pet., 218;

U. S. vs. Bailey, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 213; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How., 258; *Webster vs. Cooper*, 10 How., 54; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank of Columbus*, 19 How., 385; *Silliman vs. Hudson River Bridge*, 1 Bl., 582; *Daniels vs. R. R. Com.*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580.

Division of opinion in civil causes, certificate.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

SEC. 652. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, and such certificate shall be entered of record. [See § 693.]

Ogle vs. Lee, 2 Cr., 33; *Hepburn vs. Ellzey*, 2 Cr., 445; *U. S. vs. Tyler*, 7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Southard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *De Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Bank U. S. vs. Green*, 6 Pet., 26; *Grant vs. Raymond*, 6 Pet., 218; *U. S. vs. Bailey*, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 207; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How., 258; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank of Columbus*, 19 How., 385; *Silliman vs. Hudson River Bridge*, 1 Bl., 582; *Ex parte Gordon*, 1 Bl., 503; *Ward vs. Chamberlain*, 2 Bl., 430; *Daniels vs. R. R. Com.*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580; *Hannauer vs. Woodruff*, 10 Wall., 482.

Business of the circuit court for the two districts of Missouri transferred, how.

25 Feb., 1873, c. 200, s. 1, v. 17, p. 476.

SEC. 653. The circuit court for the eastern district of Missouri, is vested with full and complete jurisdiction to hear, determine, and dispose of, according to the usual course of judicial proceedings, all suits, causes, motions, and other matters which were pending in the circuit court of the United States in and for the districts of Missouri at the time the said circuit court for the eastern district of Missouri was created, on the eighth day of June, eighteen hundred and seventy-two, and also all other matters which have since arisen that pertain to said suits or causes, and also to make all orders and issue of^(a) all processes which said circuit court of the United States in and for the districts of Missouri might have done if it had not ceased to exist; and said circuit court for said eastern district of Missouri is vested with jurisdiction and authority to do all and singular that may in the due course of judicial proceedings pertain to any of said suits, causes, or unfinished business as fully as the said circuit court in and for the districts of Missouri might have done if said circuit court had not ceased to exist.

Process issued out of former circuit court for Missouri.

25 Feb., 1873, c. 200, s. 2, v. 17, p. 476.

SEC. 654. The service of process, mesne or final, issued out of said circuit court of the United States in and for the districts of Missouri, which service was had after the eighth day of June, eighteen hundred and seventy-two, and all levies, seizures, and sales made thereunder, also all service, seizures, levies, and sales made under any process which issued as out of said court after the said eighth day of June, eighteen hundred and seventy-two, are made valid, and all said processes are to be deemed returnable to said circuit court of the United States in and for the eastern district of Missouri as of the return day thereof.

Transfer of cases between eastern and western districts.

25 Feb., 1873, c. 200, s. 3, v. 17, p. 476.

SEC. 655. Either of the circuit courts for the eastern and for the western district of Missouri may order any suit, cause, or other matter pending therein, and commenced prior to the creation of said new court, to be transferred for trial or determination to the other of said circuit courts when, in the opinion of the court, said transfer ought to be made; and the court to which said transfer is made shall have as full authority and jurisdiction over the same from the date the certified transcript of the record thereof is filed as if the same had been originally pending therein.

(^a) The word *of* in the Roll redundant.

SEC. 656. That the clerk of the circuit court for the eastern district of Missouri, and his successors in office, shall have the custody of all records, books, papers, and property belonging or in any wise appertaining to said circuit court of the United States in and for the districts of Missouri, and, as such custodians and the successors of the clerk of said last-named court, they are hereby invested with the same powers and authority with respect thereto as the clerk thereof had during the existence of said last-named circuit court. Said circuit court for the eastern district of Missouri is hereby made the successor of said circuit court of the United States in and for the districts of Missouri as to all suits, causes, and unfinished business therein or in any wise pertaining thereto, except as hereinbefore provided.

Custody of books, papers, &c., of circuit court of Missouri.

25 Feb., 1873, c. 200, s. 4, v. 17, p. 476.

SEC. 657. The original jurisdiction of the circuit court for the southern district of New York shall not be construed to extend to causes of action arising within the northern district of said State.

Circuit court for southern district of New York, how limited.

3 April, 1818, c. 32, s. 6, v. 3, p. 415. *Wheeler vs. McCormick*, 8 Blatch. C. C., 267.

CHAPTER EIGHT.

CIRCUIT COURTS—SESSIONS

<p>Sec. 658. Terms. 659. Recognizances to a certain term in southern district of New York. 660. Effect of altering terms of circuit courts. 661. Special sessions for trial of criminal cases. 662. Special sessions for criminal trials near the place of the offense. 663. Adjourned terms, Missouri.</p>	<p>Sec. 664. California, Oregon, and Nevada, special sessions. 665. Kentucky and Indiana, special terms. 666. Tennessee, special terms. 667. North Carolina, special terms. 668. Virginia, Wisconsin, special terms. 669. Special terms, general rule. 670. Special terms, business transacted at. 671. Adjournment in absence of the judges. 672. Adjournment in absence of the judges, by written order.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SEC. 658. The regular terms of the circuit courts shall be held in each year, at the times and places following; but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Terms.

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

Alabama, S. D.

34, s. 2, v. 5, p. 177. 22 February, 1838, c. 12, s. 1, v. 5, p. 210. 6 August, 1842, c. 180, s. 1, v. 5, p. 507. 12 April, 1844, c. 12, s. 3, v. 5, p. 655. 1 March, 1845, c. 39, s. 1, v. 5, p. 731. 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

3 March, 1837, c.

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

Arkansas.

3 March, 1837, c. 34, s. 2, v. 5, p. 177. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of California, at San Francisco, on the first Monday in February, the second Monday in June, and the first Monday in October.

California.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

In the district of Connecticut, at New Haven, on the fourth Tuesday in April; and at Hartford, on the third Tuesday in September.

Connecticut.

13 April, 1792, c. 21, s. 2, v. 1, p. 253. 24 February, 1843, c. 44, s. 1, v. 5, p. 601.

In the district of Delaware, at Wilmington, on the third Tuesdays in June and October.

Delaware.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

In the southern district of Florida, at Key West, on the first Mondays in May and November.

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.

23 Feb., 1847, c.

20, s. 2, v. 9, p. 131.

15 July, 1862, c.

178, s. 1, v. 12, p.

576. 27 July, 1868, c. 270, s. 1, v. 15, p. 239.