

[No Report.]

MAY 11, 1846.

Read, and committed to the Committee of the Whole House on the state of the Union.

Mr. LUMPKIN, from the Committee on the Judiciary, reported the following bill:

A BILL

For dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction.

- 1 *Be it enacted by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled, That*
- 3 the State of Georgia shall be, and the same is hereby, divided
- 4 into two judicial districts, in manner following, to wit: The
- 5 counties of Harris, Talbot, Upson, Monroe, Jones, Putnam,
- 6 Hancock, Warren, Columbia, and all the counties in said State
- 7 south of them, shall compose one district, to be called the south-
- 8 ern district; and the courts shall be held as heretofore, and at
- 9 the times now authorized and required by law, at Savannah.
- 10 The counties of Troup, Meriwether, Pike, Butts, Jasper, Morgan,
- 11 Greene, Taliaferro, Wilkes, Lincoln, and all the remaining coun-
- 12 ties in said State north of them, shall compose one district, to be
- 13 called the northern district, and a court shall be held for the
- 14 said district at Marietta, in the county of Cobb.

1 SEC. 2. *And be it further enacted,* That there shall be
 2 two terms of the district court for the northern district held at
 3 Marietta in each and every year, to begin on the second Mon-
 4 day in March, and on the second Monday in September. And
 5 the district judge of the United States for the State of Geor-
 6 gia is hereby required to hold the courts aforesaid; and, further-
 7 more, he is authorized and required to hold one or more special
 ✓ 8 terms at Marietta in each year, if, in his opinion, the business of
 9 the court or the public convenience shall require it to be done.

1 SEC. 3. *And be it further enacted,* That the second Mon-
 2 day in March and the second Monday in September in each
 3 year shall be return days for writs and executions returnable to
 4 the said district court to be held for the northern district at
 5 Marietta; and the parties to such suits as shall be so returned
 6 shall make up their pleadings under such rules as the court
 7 shall prescribe, in order to have the causes so returned in a state
 8 of readiness for trial at the succeeding regular term.

1 SEC. 4. *And be it further enacted,* That all causes at law
 2 or in chancery pending in the said district courts at Savannah,
 3 or in the circuit court of the United States at Savannah and Mil-
 4 ledgeville, where the defendant or defendants resided in the
 5 northern district (as hereby established) at the time of serving
 6 process, shall be transferred for trial to the district court for the
 7 said northern district, and be proceeded in, heard, adjudged, and
 8 determined in the same manner as though originally commenced

9 or prosecuted in said court. And it shall be the duty of the
 10 clerks of the said courts at Savannah and Milledgeville safely to
 11 transmit to the clerk of the district court at Marietta the origi-
 12 nal papers in all cases hereby ordered to be transferred, together
 13 with a transcript of all orders and other proceedings had thereon.

1 SEC. 5. *And be it further enacted,* That all suits hereafter
 2 to be instituted in either of said courts, not of a local nature,
 3 shall be commenced in a court of the district where the de-
 4 fendant resides; but if there be more than one defendant, and
 5 they reside in different districts, the plaintiff may sue in either,
 6 and send duplicate writs to the other defendants, on which the
 7 plaintiff or his attorney shall endorse that the writ thus sent is
 8 a copy of a writ sued out of the proper district; and the said
 9 writs, when executed and returned into the office from which
 10 they issued, shall constitute one and the same suit, and be pro-
 11 ceeded in accordingly.

1 SEC. 6. *And be it further enacted,* That the judge of the
 2 said district court shall appoint a clerk of the district court of
 3 the northern district, who shall reside and keep his office, and
 4 records and documents appertaining thereto, at the place of hold-
 5 ing said court. And the said clerk shall be entitled to the same
 6 fees allowed by law to the clerks of the district courts in the
 7 other district in said State, perform the like duties, and be sub-
 8 ject to the same liabilities and penalties.

1 SEC. 7. *And be it further enacted,* That the district attor-
 2 ney and the marshal of the southern district of Georgia shall,

3 respectively, perform the duties of the district attorney and mar-
 4 shal of the northern district. And the said marshal shall keep
 5 an office at Marietta ; and his charges for mileage, in the execu-
 6 tion of the duties of his office within the said northern district,
 7 shall be computed from Marietta.

1 SEC. 8. *And be it further enacted,* That the said district
 2 court for the northern district of Georgia, in addition to the
 3 ordinary jurisdiction and powers of a district court of the Uni-
 4 ted States, shall, within the limits of the said northern district,
 5 have jurisdiction of all causes, except appeals and writs of error,
 6 which now are, or hereafter may be made cognizable in a cir-
 7 cuit court of the United States, and shall proceed therein in the
 8 same manner as a circuit court.

1 SEC. 9. *And be it further enacted,* That appeals, and
 2 writs of error in the nature of appeals, shall lie and may be
 3 sued from the said district court at Marietta to the Supreme
 4 Court of the United States.

1 SEC. 10. *And be it further enacted,* That should the judge
 2 of the district courts aforesaid fail to attend at the time and place
 3 of holding the court for the said northern district, at any one of
 4 its terms aforesaid, before the close of the fourth day of any such
 5 term, the business pending in any such court shall stand ad-
 6 journed to the next term thereof.

1 SEC. 11. *And be it further enacted,* That all laws contra-
 2 vening or opposed to the provisions of this act be, and the same
 3 are hereby, repealed.