

of said block provided for in the preceding section shall take effect and be binding only from the time the said board shall in good faith commence the erection of said superstructure.

Approved, February 24, 1879.

Feb. 24, 1879.

CHAP. 97.—An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts.

Texas.
Northern judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a judicial district is hereby created in the State of Texas, to be called the northern judicial district of said State, and the territory embraced in the following-named counties, as now constituted, shall compose said district, namely: Brazos, Robertson, Leon, Limestone, Freestone, Navarro, Ellis, Kaufman, Dallas, Rockwall, Hunt, Fannin, Lamar, Delta, Collin, Grayson, Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Comanche, Erath, Somerville, Hood, Parker, Palo Pinto, Jack, Wise, Montague, Clay, Archer, Wichita, Wilbarger, Hardeman, Knox, Baylor, Haskell, Throckmorton, Young, Stephens, Shackelford, Jones, Taylor, Callahan, Eastland, Brown, Coleman, Rannels, Greer, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Howard, Borden, Dawson, Gaines, Martin, Andrews, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Terry, Hockley, Lamb, Castro, Deaf Smith, Oldham, Hartley, Dallam, Palmer, Bayley, Cochran, and Yoakum.

Eastern judicial district.

SEC. 2. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the eastern judicial district, namely: Matagorda, Wharton, Brazoria, Fort Bend, Colorado, Austin, Waller, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Walker, Grimes, Madison, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Henderson, Smith, Rusk, Panola, Harrison, Gregg, Upshur, Wood, Vanzandt, Rains, Hopkins, Camp, Titus, Marion, Cass, Bowie, Franklin, Morris, and Red River.

Western judicial district.

SEC. 3. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the western judicial district of said State, namely: Calhoun, Jackson, Victoria, Goliad, Refugio, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, La Salle, McMullen, Live Oak, De Witt, Lavaca, Gonzales, Wilson, Karnes, Atascosa, Frio, Dimmit, Zavala, Maverick, Kinney, Uvalde, Medina, Bexar, Guadalupe, Caldwell, Fayette, Washington, Lee, Burleson, Milan, Williamson, Bastrop, Travis, Hays, Comal, Kendall, Blanco, Burnett, Llano, Gillespie, Kerr, Bandera, Edwards, Kimball, Mason, Menard, El Paso, Presidio, Tom Green, Crockett, Pecos, Concho, McCulloch, San Saba, and Lampasas.

Times and places for holding terms.

SEC. 4. That the courts in the northern judicial district shall be held twice in each year, at Waco, Dallas, and at Graham, in Young County; and the courts in the eastern judicial district shall be held twice in each year, at Galveston, Tyler, and Jefferson; and the courts in the western judicial district shall be held twice in each year, at Brownsville, San Antonio, and Austin. The courts shall be held in the city of Waco on the first Mondays in April and October; in the city of Dallas, the first Mondays in June and December; in the town of Graham, Young County, on the first Mondays in February and August; in the city of Galveston, on the first Mondays in November and March; at the city of Tyler, on the second Mondays in January and May; at the city of Jefferson, on

the second Mondays February and September; at the city of Brownsville on the first Mondays in January and July; at San Antonio on the first Mondays in May and November; at Austin on the first Mondays in February and August. And the district judge of each of said districts shall have power to fix adjourned terms at all of said places, so as to dispose of the whole of the business of said courts.

Adjourned terms.

SEC. 5. That all process issued against defendants residing in the counties of Brazos, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Comanche, Erath, Hood, Bosque, Somerville, Hill, Brown, Coleman, and Runnels shall be returned to Waco; and all process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Lamar, Fannin, Grayson, Collin, Denton, Cooke, Montague, Wise, Tarrant, Parker, Delta, and Clay shall be returned to Dallas; and all process issued against defendants residing in the counties of Eastland, Stephens, Young, Archer, Wichita, Wilbarger, Baylor, Throckmorton, Shackelford, Calhoun, Taylor, Jones, Haskell, Knox, Hardeman, Greer, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bayley, Palmer, Castro, Swisher, Brisco, Hall, Childress, Collingsworth, Donley, Armstrong, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutcheson, Hansford, Sherman, Moore, Hartley, Palo Pinto, Jack, and Dallam shall be returned to Graham; and all process issued against defendants residing in the counties of Jackson, Matagorda, Brazoria, Wharton, Colorado, Fort Bend, Austin, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Montgomery, Waller, Grimes, Madison, Walker, San Jacinto, Polk, Tyler, Jasper, and Newton shall be returned to Galveston; and all process issued against defendants residing in the counties of Sabine, San Augustine, Shelby, Nacogdoches, Angelina, Trinity, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Vanzandt, Rains, Gregg, and Wood shall be returned to Tyler; and all process issued against defendants residing in the counties of Upshur, Harrison, Marion, Cass, Bowie, Red River, Titus, Camp, Hopkins, Morris, and Franklin shall be returned to Jefferson; and all process issued against defendants residing in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval, Nueces, San Patricio, Dimmit, and Maverick shall be returned to Brownsville; and all process issued against defendants residing in the counties of Calhoun, Refugio, Victoria, Goliad, Bee, Live Oak, Karnes, DeWitt, Lavaca, Gonzales, Guadalupe, Wilson, Atacosa, McMullen, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, La Salle, Zavala, Uvalde, Kinney, Crockett, Tom Green, Pecos, Presidio, and El Paso shall be returned to San Antonio; and all process issued against defendants residing in the counties of Fayette, Washington, Burleson, Milan, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Gillespie, Burnet, Llano, Mason, Kimball, Menard, Concho, McCulloch, San Saba, and Lampasas shall be returned to Austin; and that all process issued against defendants residing in any county which may hereafter be created by law, shall be returned to the nearest place for holding court in the judicial district within which said county is formed.

Return of process.

Return of process in new counties.

And if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper division of the said district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Suits against more than one defendant.

SEC. 6. Actions or proceedings now pending at Brownsville, Austin, Galveston, and Tyler, which, under this act, would be brought in some

Transfer of pending causes.

other district, may, on the application of either party, be transferred to the proper court of said district; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court, and the same shall proceed in all respects as though originally commenced in said court.

Assignment of present judges. SEC. 7. That the present judge of the eastern district of Texas be, and he is hereby, assigned to hold said courts in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district.

New judge for northern district. That the present judge of the western district of Texas be, and he is hereby, assigned to hold said courts in the western district of Texas, and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district. And there shall be appointed a district judge for the northern district of Texas, who shall possess the same powers and do and perform all such duties in his district as are now enjoyed, or in any manner appertain to the present district judges for said eastern and western districts of Texas. And the district judge of such district shall be entitled to the same compensation as by law is provided for the present judges of the eastern and western districts of Texas.

District attorney and marshal for northern district. SEC. 8. That there shall be appointed one person as district attorney and one person as marshal for said northern district, whose terms of appointment and services, as well as duties and emoluments, shall be the same with those respectively appertaining to the said offices in the said eastern and western districts of Texas; and said marshal shall give the same bond that other marshals are required to give, to be approved and recorded as now directed by law: *Provided*, That the present district attorneys for the eastern and western districts of Texas shall still hold their offices respectively in said districts, and shall retain charge of all suits already commenced until the final termination, unless the President of the United States shall otherwise direct; and the present marshals for said eastern and western districts shall continue to be the marshals for said districts during their respective official terms: *Provided further*, That it is not intended by this act to work the removal of, or in any manner affect, the clerks of the district courts now holding office in said districts.

Present district attorneys and marshals. *Provided*, That the present district attorneys for the eastern and western districts of Texas shall still hold their offices respectively in said districts, and shall retain charge of all suits already commenced until the final termination, unless the President of the United States shall otherwise direct; and the present marshals for said eastern and western districts shall continue to be the marshals for said districts during their respective official terms: *Provided further*, That it is not intended by this act to work the removal of, or in any manner affect, the clerks of the district courts now holding office in said districts.

Clerk for northern district and deputies. SEC. 9. The district judge of the northern district shall appoint a clerk of said court, who shall reside at one of the places designated in this act for holding the courts, and two deputies shall be appointed by the clerk, one of whom shall reside at each of the other places designated for holding the courts.

Approved, February 24, 1879.

Feb. 25, 1879.

CHAP. 99.—An act to create an additional associate justice of the supreme court of the District of Columbia, and for the better administration of justice in said District

Supreme Court, District of Columbia. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appointed by the President, by and with the advice and consent of the Senate, one additional associate justice of the supreme court of the District of Columbia. That the said additional associate justice shall have the same power, authority, and jurisdiction as now or hereafter may be exercised by any of the associate justices of the said supreme court, and shall be entitled to receive the same salary, payable in the same manner.

Additional associate justice. SEC. 2. Two of the justices, sitting at general term, shall constitute a quorum for the transaction of business; but when the two justices shall be divided in opinion, the same shall be noted upon the minutes of the court, and thereupon and within four days thereafter either party in such cause may file with the clerk of the court a motion in writing to have such cause reargued before three or more justices; but no justice shall sit in

Quorum at general term.