

CHAP. CXLII. — *An Act to establish a Circuit Court of the United States in and for the State of California.* March 2, 1855.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a judicial circuit shall be, and the same is hereby, constituted, in and for the State of California, to be known as the circuit court of the United States for the districts of California, a term of which court shall be held annually, in the city of San Francisco, on the first Monday of July in each and every year; and for this purpose a judge shall be appointed, and the court hereby organized shall, in all things, have and exercise the same original jurisdiction as is vested in the several circuit courts of the United States, as organized under existing laws, and shall also have and exercise the same appellate jurisdiction over the district courts of the United States for the northern and southern districts of California as by existing laws is vested in the several circuit courts of the United States over the district courts of the United States in their respective circuits; and the said judge shall appoint a clerk, who shall have the power to appoint a deputy, which clerk shall reside, and keep the records of the court, in the said city of San Francisco, and shall receive for the services he may perform double the fees allowed to the clerk of the southern district of New York.

Circuit court established in California.

Jurisdiction.

Clerk and deputy clerk.

SEC. 2. *And be it further enacted,* That said judge shall have power to order and hold such special or extra terms of said court as he may deem expedient, and at such time or times as he shall, by his order, under his hand and seal, direct, addressed to the marshal and clerk of said court, at least thirty days previous to the commencement of such special or extra term or terms, which order shall be published intermediately in two or more of the gazettes of the State of California; and at any or all of such special terms the business of said court shall have reference to the immediately preceding regular or special term, and be proceeded with in the same manner; and such proceedings shall be, to all intents and purposes, as valid as if the same had taken place at a regular term of said court; all which terms shall be held at such place, in the said city of San Francisco, as the marshal of the United States for the northern district of California, whose duty it shall be to act as the marshal of said court, shall procure for the purpose, under the directions of said judge; and appeals from the proceedings of the court organized under this act shall be taken to the Supreme Court of the United States, in the same manner, and on the same conditions, as appeals are taken under existing laws from the other circuit courts of the United States.

Special and extra terms of court may be ordered.

How notified.

Place for holding courts.

SEC. 3. *And be it further enacted,* That the judge of said court shall have the same power to issue writs of habeas corpus and other writs as is vested by law in the other judges of the United States.

Writs of habeas corpus and other writs.

SEC. 4. *And be it further enacted,* That in case the judge of said court shall fail to attend at the time and place of holding any regular or special term of said court, before the close of the fourth day after the commencement of such term, the business pending before said court shall stand adjourned until the next regular term of said court, or until the next special term of the court, should one be ordered under the authority of this act previous to such regular term.

Provision for failure of judge to attend any term of court.

SEC. 5. *And be it further enacted,* That the district courts of the United States for the northern and southern districts of California, shall hereafter exercise only the ordinary duties and powers of the district courts of the United States, except the special jurisdiction vested in the said district courts of California over the decisions of the board of commissioners for the settlement of private land claims in California under existing laws; and that appeals from the judgments, orders, and decrees of either of said district courts of California, in the exercise of its ordinary jurisdiction, shall be taken to the circuit court organized by this act, in the same manner and upon the same conditions as appeals may be taken

District courts in California to have only district court jurisdiction, except in case of land claims.

1851, ch. 41.

Appeals.

from the judgments, orders, or decrees of the district courts to the circuit courts of the United States.

Circuit judge may sit in district court, in cases of land claims.

1851, ch. 41.

1852, ch. 108.

SEC. 6. *And be it further enacted*, That the judge appointed under this act shall, from time to time, or at any time when in his opinion the business of his own court will permit, and that of the courts of the northern and southern districts of California shall require, form part of, and preside over, the said district courts when either of them is engaged in the discharge of the appellate jurisdiction vested in it over the decisions of the board of commissioners for the settlement of private land claims in the State of California, under the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one, and by another act entitled "An act making appropriations for the civil and diplomatic expenses of the government for the year ending thirtieth of June, eighteen hundred and fifty-three, and for other purposes," passed thirty-first of August, eighteen hundred and fifty-two; and it shall be the duty of the clerks of the respective district courts of California to give thirty days' written notice to the judge of the court organized under this act, of the time and place of the sitting of such district court for the discharge of such appellate jurisdiction; and in case the judge of such district court shall fail, from sickness or other casualty, to attend at such time and place, the judge of the court organized under this act, is hereby authorized to hold said court, and proceed with the business of the court, in accordance with the provisions prescribed for the regulation of said district court in the act of Congress hereinbefore referred to; and all appeals to the Supreme Court of the United States from the decisions of said district court, whether held by the last-mentioned judge, or by him in conjunction with the district judge, or by the district judge alone, shall be taken in the manner prescribed by the act of Congress passed on the third day of March, eighteen hundred and fifty-one, entitled "An act to ascertain and settle the private land claims in the State of California."

Appeals in such cases to supreme court.

1851, ch. 41.

Salary of judge.

SEC. 7. *And be it further enacted*, That the salary of the judge appointed under this act shall be four thousand five hundred dollars per annum, to commence from the date of his appointment.

Conflicting acts repealed.

SEC. 8. *And be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby, repealed.

APPROVED, March 2, 1855.

March 2, 1855.

CHAP. CXLIII. — *An Act changing the Times of holding the United States Courts in Tennessee.*

Terms of circuit and district courts in Tennessee.

1839, ch. 8.
1842, ch. 30.
1843, ch. 74.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times heretofore fixed by law, the circuit and district courts of the United States for the several districts in Tennessee shall hereafter be held as follows: At Jackson, on the third Mondays in March and September; at Knoxville, on the second Mondays in April and October; and at Nashville, on the first Mondays in May and November. And all writs, pleas, suits, recognizances, indictments, or other proceedings, civil or criminal, issued, commenced, or pending in either of said courts, shall be returnable to, be entered, and have day in court, and be heard and tried according to the times of holding said courts as herein provided.

APPROVED, March 2, 1855.

March 2, 1855.

1854, ch. 269.

CHAP. CXLIV. — *An Act to amend "An Act to carry into Effect a Treaty between the United States and Great Britain," signed on the fifth June, eighteen hundred and fifty-four, and approved August fifth, eighteen hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United