

thousand dollars: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same.

SEC. 2. That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

Approved, June 10, 1882.

Proviso.
Title.

Appropriation.

CHAP. 200.—An act for the erection of a public building at Lynchburg, Virginia.

June 10, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other government offices, at the city of Lynchburg, Virginia. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of one hundred thousand dollars: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Virginia shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Approved, June 10, 1882.

Lynchburg, Va.
Public building.
Site.

Plans, cost, etc.

Proviso.

Title.

CHAP. 218.—An act to amend the several acts in relation to the division of the State of Mississippi into judicial districts, and further to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the time and places of holding the United States district courts in said northern district.

June 15, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Mississippi is hereby divided into two districts, which shall be called the northern and southern districts of Mississippi. The northern district shall include the counties of Kemper, Neshoba, Winston, Noxubee, Carroll, Attala, Boliver, Coahoma, Tunica, De Soto, Tate, Marshall, Panola, Benton, Tippah, Tishomingo, Alcorn, Prentiss, Sunflower, Itawamba, Lee, Monroe, Lowndes, Oktibbeha, Choctaw, Montgomery, Grenada, Tallahatchee, La Fayette, Pontotoc, Union, Chickasaw, Webster, Clay, Calhoun, Quitman, and Yalabusha, as they now exist. The southern district shall include the residue of said State.

Mississippi divided into two judicial districts.
Northern district.

Southern district.

SEC. 2. That the northern judicial district of the State of Mississippi as now hereby constituted shall be divided into an eastern and western division; that the counties of Tishomingo, Alcorn, Prentiss, Itawamba, Lee, Pontotoc, Monroe, Chickasaw, Clay, Oktibbeha, Lowndes, Noxubee, Winston, Choctaw, Neshoba, and Kemper shall compose the eastern division of said northern judicial district; that all the other counties embraced in the northern judicial district as now hereby constituted shall compose the western division of said northern judicial district; that there shall be in each year two terms of the United States district court for the eastern division, to be styled "the district court of the United States for the eastern division of the northern judicial district of Mississippi," held at the town of Aberdeen, in said eastern division, to begin on the first Mondays of April and October, respectively, and

Northern district divided into the eastern and western division.

Eastern division.

Western division.

Terms of court for eastern division; to be held at Aberdeen.

shall continue twenty-four judicial days, if the business so long require; that there shall also be in each year two terms of the United States district court for the western division, to be styled "the district court of the United States for the western division of the northern judicial district of Mississippi," held at the town of Oxford, in said western division, to begin on the first Mondays of June and December, and to continue so long as the business may require; that the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid. Juries shall be summoned for the additional courts hereby created as now provided by law for the summoning of juries in said northern district.

Terms of court for western division; to be held at Oxford.

Juries.

Suits.

SEC. 3. That hereafter all suits to be brought in either of said courts, not of a local nature, shall be brought in the division where the defendants, or either of them, reside; but if there be more than one defendant, and they reside in different divisions, or any of them reside in the southern judicial district of Mississippi, the plaintiff may sue in either division or district, and send duplicate writs to the other division or district, directed to the marshal of the district where he or they may reside, on which said writs shall be indorsed by the plaintiff, or his attorney, that the same is a duplicate of the original writ sued out of the district court of the proper division or district; but whenever a defendant is sued out of the division of his residence, and is not joined with a codefendant whose residence is in the division where the suit is brought, he may, before pleading therein, on motion and on affidavit of the division of his residence, change the venue to the court of the division of his residence, which suit shall stand for trial at the first term of the court to which the venue may be so changed; but any cause may, by written consent of both parties or their attorneys of record, be transferred to the court of either division, without regard to the division of the residence of the defendants, and whether such cause be now pending or be instituted hereafter.

Transfer of venue.

Clerk of northern judicial district to be clerk of courts of both divisions.

Deputy clerks.
Residence.
Fees.

Chief deputy clerk.

SEC. 4. That the clerk of the northern judicial district of Mississippi shall be sole clerk of the courts of both divisions of the said district, to be appointed in the manner now prescribed by law; that the said clerk, or his deputies, shall reside at each of the places of holding said courts, and shall there keep an office, and the records, files, and documents pertaining to the court of that division; and said clerk shall be entitled to the same fees now allowed to him by law. In addition to his powers to appoint deputies as now prescribed by law, said clerk shall be required to appoint a chief deputy for the court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence, and shall reside at the place of holding the court for the other division where the chief clerk does not reside.

Marshal.
District attorney.

Fees.

Process; how directed and executed.

SEC. 5. That the marshal and the district attorney for the northern judicial district of Mississippi shall, respectively, be the marshal and the district attorney for the eastern and western divisions of said northern district, and shall be allowed the same fees (except as hereinafter provided for said district attorney), and be subject to the same duties and liabilities, as now provided by law; that process issuing from the courts of either division of said northern district shall be directed to the marshal of said northern district, and may be executed by him or his deputies upon the party or parties for whom issued, wherever found in said northern district; and said marshal shall have an office and at least one general deputy residing at the place of holding court in each division, unless he shall reside there himself.

Transfer of proceedings, etc.

SEC. 6. That all causes and proceedings in law, equity, or bankruptcy now pending in the district court of the northern district of Mississippi, where all the defendants (or the plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs within the district) shall reside in the eastern division of said district, shall be transferred to the court of such eastern division of said northern district, said transfer to be made in vacation or in term-time; if made in vacation, only on an affidavit of all the parties defendant that they are resident in said eastern

division, and on ten days' notice of the purpose and time of hearing of said motion; but if made in term-time, then on motion and affidavit only.

SEC. 7. That said district courts for the eastern and western divisions of said northern district shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error therefrom, as now pertains to the district court for said northern judicial district. All prosecutions for crimes and offenses heretofore committed shall be commenced and prosecuted as if this act had not passed.

Powers, rights, and jurisdiction of courts of northern district.

SEC. 8. That all civil causes now pending in the United States court for the southern district of Mississippi against parties residing in that part of the territory of said southern district by this act annexed to and incorporated in the aforesaid northern judicial district, and that all civil causes now pending in the United States court for the northern district of Mississippi against parties residing in that part of the territory of said northern district by this act annexed to and incorporated in the aforesaid southern judicial district, may remain and be finally disposed of, respectively, in the courts in which they are now pending, unless the defendants therein shall desire to have the same transferred to the appropriate courts in the districts in which they reside, as provided by this act; in which last event such transfer shall be applied for and made to the court for the division of the residence of such defendant in said northern district, or to the court of the said southern district, as the case may be, in the manner above provided in the sixth section hereof for the transfer of pending causes from the court of the western division of said northern district to that of the eastern division thereof, mutatis mutandis.

Civil causes pending to remain for trial unless transfer is desired by defendants.

Transfers, how made.

SEC. 9. That when a cause shall be transferred, as above provided by the sixth and eighth sections hereof, either from the western division of said northern district to the eastern division thereof, or from the southern district of Mississippi to the appropriate division of said northern district, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders, interlocutory decrees, or other entries in said cause; and he shall also certify, under seal of the court, that the papers sent are all which are on file in said court belonging to the cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

Duties of clerk of court in transfer cases

Fees.

SEC. 10. That the judge of the United States courts for said northern district may, by order, from time to time, appoint and hold additional special terms of said court, for the disposal of the unfinished business thereof, whenever the interests of the public and the condition of the docket shall so require: *Provided*, That there shall not be more than two such special terms in any one year in each division, nor for a longer period than twelve judicial days for each special term.

Special terms.

Proviso.

Approved, June 15, 1882.

CHAP. 219.—An act to amend section twenty-five hundred and fifty-two of the Revised Statutes, and to change the boundaries of the fourth collection district of Virginia

June 15, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph four of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read:

Fourth collection district of Virginia; boundaries of, changed.

"The district of Yorktown, to comprise all the waters and shores

R. S. 2552, 503, amended.