

District Courts of the United States;

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The judicial power of the United States, as granted in the third article of the Constitution, is vested in and exercised by the District and Circuit Courts and the Supreme Court of the United States. The first two courts are referred to in the Constitution as "inferior courts" or "tribunals inferior to the Supreme Court." They are "inferior" in the sense of being lower in rank than the Supreme Court, and also subject to its appellate jurisdiction. Their organization, number, relation to each other, and jurisdiction, whether original or appellate, belong to the legislative discretion of Congress, limited in its exercise to the cases and controversies specified in the Constitution.

The Judiciary Act of 1789, by which the Judicial Department of the General Government was organized, divided the United States into thirteen judicial districts, with two additional districts—one for Kentucky and the other for Maine—which were then parts of Virginia and Massachusetts respectively. This act provided for a District Court in each of these districts, consisting of a single district judge, and to this court gave original jurisdiction in certain specified cases.

Subsequent legislation, called for by the growth of the country, has from time to time added to the number of these districts, and consequently to the number of District Courts, and also enlarged their jurisdiction beyond the limits originally fixed. The entire legislation of Congress with regard to these courts in force on the 1st of December, 1873, is compiled, restated, and re-enacted in the Revised Statutes of the United States, chiefly in the first four chapters of Title XIII. The purpose of this article is to present a brief summary of the law as now existing in respect to the District Courts of the United States.

1. JUDICIAL DISTRICTS.—The total number of these districts is fifty-nine and in twenty-one of the states a district embraces the whole state. Thirteen states are divided each into two districts; and four states—namely, Alabama, New York, Tennessee, and Texas—are divided each into three districts. Each district embraces either the whole or a part of a state and in no instance does a district include either two states or parts of two states. Congress, in arranging these districts, has adopted the state as the unit of territorial division, sometimes dividing it into two or more districts, but never uniting two or more states or parts of two or more states in the same district. This was the original plan as to judicial districts in the Judiciary Act of 1789 and it has been adhered to ever since.

2. ORGANIZATION OF DISTRICT COURTS.—The law, as a general rule, provides that a district judge shall be appointed for each judicial district and makes it the duty of the judge to reside in the district for which he was appointed, declaring non-compliance with this provision as to residence to be "a high misdemeanor." The total number of district judges of the United States is fifty-two; and of this number one judge is assigned to the three districts in Alabama, one to the two districts in Georgia, one to the two districts in Mississippi, one to the two districts in South Carolina, and one to two of the three districts into which Tennessee is divided, making in all five judges assigned to more than one district.

The district judges have power to appoint clerks of their respective courts and, when necessary, deputy clerks. The records of each court are to be kept at the place where the court is held; and when the court is held in more than one place in any district, then they are to be kept at either of the places of holding the court, as designated by the judge, if

the place of keeping these records has not been specially fixed by law.

The annual compensation of the district judges is as follows: to the judge of the District of California five thousand dollars; to the judge of the District of Louisiana four thousand five hundred dollars; to the judges of the District of Massachusetts, of the Northern, Southern, and Eastern Districts of New York, of the Eastern and Western Districts of Pennsylvania, of the District of New Jersey, of the District of Maryland, of the Southern District of Ohio, and of the Northern District of Illinois four thousand dollars; and to the judges of all the other districts three thousand five hundred dollars each. No other allowance or payment is made for travel, expenses, or otherwise. It is hardly necessary to say that this is a niggardly rate of compensation, if we consider the amount and character of the service to be performed and the grade of legal ability required for its proper performance. The office is an honorable one, yet almost any lawyer who is fit for the position can earn more by the practice of his profession.

3. JURISDICTION OF THESE COURTS.—Section 563 of the Revised Statutes provides that the District Courts shall have jurisdiction in the following cases:

(1) All crimes and offenses cognizable under the authority of the United States, committed within their respective districts or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section 5412.

(2) All cases under any law for the punishment of piracy, when no Circuit Court is held in the district of such courts.

(3) All suits for penalties and forfeitures incurred under any law of the United States.

(4) All suits at common law brought by the United States, or by any officer thereof authorized to sue.

(5) All suits in equity to enforce liens of the United States upon lands for any internal revenue tax.

(6) All suits for forfeitures or damages under section 3490 relating to debts due by or to the United States.

(7) All causes arising under the postal laws of the United States.

(8) All civil causes of admiralty and maritime jurisdiction, and all seizures on land and on waters not within this jurisdiction, in both of which cases the jurisdiction is exclusive, except where concurrent jurisdiction is given to the Circuit Courts; and all prizes brought into the United States in respect to which the jurisdiction is original and exclusive, except as provided in paragraph six of section 629, relating to the condemnation of property used for insurrectionary purposes.

(9) All proceedings for the condemnation of property taken as prize, in pursuance of section 5308 relating to insurrection.

(10) All suits by assignees of debtors for drawback of duties.

(11) All suits for damages on account of injuries to person or property by conspirators, as mentioned in section 1935.

(12) All suits at law or in equity to redress and deprivation of rights secured by the Constitution and laws of the United States to persons within the jurisdiction thereof.

(13) All suits to recover possession of an office where it appears that the sole question touching the title of 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.

(14) All proceedings by writ of *quo warranto* for the removal of persons from office holding the same contrary to the third section of the Fourteenth Amendment.

(15) All suits by or against national banks located in the district for which the court is held.

(16) All suits by aliens for torts only in violation of the law of nations or of a treaty of the United States.

(17) All suits against consuls or vice-consuls, except for offenses above a certain grade.

(18) All proceedings in bankruptcy within their respective districts. The repeal of the National Bankrupt Law since the enactment of the Revised Statutes renders this provision inoperative.

These eighteen general classes of cases do not exhaust the jurisdiction of the District Courts. The Revised Statutes specify other cases and matters to which the jurisdiction equally extends.

These courts have jurisdiction in proceedings on seizures for the forfeiture of any vessel or cargo entering any port of entry which has been closed by the President, in pursuance of law, or of goods or chattels coming from a state or section declared by the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property or conveying persons to or from such state or section, or of any vessel belonging, in whole or in part, to any inhabitant of such state or section. Cognizance of such cases may be taken by any District Court within whose jurisdiction the property so seized may be brought, whether it was seized in that district or not (sec. 564). Congress originally enacted this law in July, 1861, in consequence of the Rebellion then existing.

The District Courts also have cognizance of all proceedings in regard to vessels forfeited to the United States by being engaged in the "coaly trade," and any such court within whose district such vessels may be found, seized or brought, may take this cognizance (sec. 2159). They have jurisdiction in "the summary trials for certain offenses against navigation laws," provided for in sections 4300—4305.

So, also, when a territory of the United States is admitted into the Union as a state, and a District Court is established therein, such court is required to take cognizance of all cases which were pending and undetermined in the Superior Court of such territory, from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals taken to the Supreme Court of the United States. It is made the duty of the court to hear and determine these cases (sec. 569).

The Act of March 1, 1875, entitled "An Act to protect all citizens in their civil and legal rights," and designed to secure to them "the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and other places of public amusement, subject only to the conditions and limitations established by law and applicable to citizens of every race and color, regardless of any previous condition of servitude," gives to the District Courts concurrently with the Circuit Courts, but exclusively of state courts, cognizance of all the offenses specified in the act, and of suits for the recovery of penalties in behalf of persons aggrieved by any violation of the provisions of the law (18 U. S. Stat. at Large, 335).

All issues of fact in these courts, except in equity and admiralty cases, and bankruptcy cases otherwise provided by law, are to be tried by jury. Admiralty cases, however, arising on the lakes of this country, or the navigable waters connecting the same, and relating to contracts or torts, must, in respect to all issues of fact, be determined by a jury, when either party shall require it (sec. 566, *The Tayloe*, 8 Wall., 15).

The District Courts have power to issue writs of *scire facias* and *habeas corpus*, and all other writs not specifically provided for by statute, which

may be necessary for their jurisdiction and agreeable to the principles and usages of law (sec. 716, 751). They are authorized, in pursuance of law, to admit aliens to the privileges of United States citizenship (sec. 2165—2174).

District judges, like all the other judges of the courts of the United States, are appointed by the President, with the advice and consent of the Senate, and hold office during good behavior, being removable therefrom only by the process of impeachment. If they resign their office, after having held it for, at least, ten years and after attaining the age of seventy years, they are entitled during the remainder of life to the continuance of their salaries (sec. 714). Before entering upon the duties of the office, they are required to take the oath prescribed in section 712 of the Revised Statutes. They are excluded from exercising the profession of counsel or attorney or engaging in the practice of law, and any violation of this prohibition is deemed "a high misdemeanor" (sec. 713). They are not liable in civil actions for judicial acts, even though in excess of their jurisdiction; yet they are liable for such acts when there is a total absence of all jurisdiction over the subject-matter (*Randall v. Brigham*, 7 Wall., 523; and *Bradley v. Fisher*, 13 Wall., 335).

This is a summary of the existing provisions of law relating to the organization, number, powers, and jurisdiction of the District Courts of the United States. These courts have no appellate jurisdiction; yet, by reason of their number and the extent of their original jurisdiction, they hear and decide more causes than all the other courts of the United States put together. A comparison of the several dates at which Congress has conferred jurisdiction upon them shows that their jurisdiction, especially within the last twenty years, has been greatly enlarged beyond the limit established by the Judiciary Act of 1789. Events in the history and progress of the country have made this enlargement necessary. The courts are the same in the theory of the judicial system of the United States, yet their number has been increased and the cases to which their jurisdiction extends cover a much wider field of subjects than at the outset.—*Independent*.

—This is the age of great dictionaries. France has produced her *Littre* and Germany her *Grimm*. The scale on which these dictionaries are done is so vast that it is no wonder that a number of special lexicons have grown up by their side. Thus by the side of Grimm's enormous work are the two great dictionaries of Bavarian and Carinthian German; and the first part (from A to Agnus Dei) has been published of a great Swiss dictionary, which will be a prodigy of its kind. This first part, extending over less than half of a single letter, is the first result of the labors of nearly twenty years. The first idea of it was conceived in 1845; but it was not till 1862 that the Antiquarian Society took the matter up, and organized a commission of representatives from every German-speaking canton, by whose means workers for the dictionary were found in the remotest mountain hamlets and among every class of the people. The dictionary has profited from the unrequited labors of no fewer than four hundred contributors. With all our boasted intelligence, the United States seems to be behind some other countries in respect to great dictionaries.—*Ec.*

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Man.

The average weight of an adult man is 140 lbs. 6 oz.

The average weight of a skeleton is about 14 lbs.

The skeleton measures one inch less than the height of the living man.

The average weight of the brains of a man is 3½ lbs.; of a woman, 2 lbs. 11 oz.

The brain of a man exceeds twice that of any other animal.

The average height of an Englishman is 5 ft. 9 in.; of a Frenchman, 5 ft. 4 in.; and of a Belgian, 5 ft. 5½ in.

The average weight of an Englishman is 150 lbs.; of a Frenchman, 136 lbs.; and a Belgian, 140 lbs.

A man breathes about 20 times in a minute, also about 18 pints of air in a minute, or upwards of 7 hogheads in a day.

A man consumes 10,666 cubic feet of oxygen in 24 hours—123 cubic inches of common air.

The average of the pulse in infancy is 120 per minute; in manhood, 80; at 60 years, 60.

The weight of the circulating blood is 28 lbs.

The heart beats 75 times a minute, sends nearly 10 lbs. of blood through the veins and arteries each beat, makes four beats while we breathe once.

174,000,000 holes or cells are in the lungs, which would cover a space 30 times greater than the human body.

2,500 square inches may be estimated as the surface of an ordinary-sized man's body.

There are about 2,900,000 pores in an ordinary-sized man.

Each pore is about a quarter of an inch in length.

3,528 pores have been counted on one square inch of the palm of the hand.

There are 175,000 inches of pores—that is, 145,833 feet, or 48,600 yards, nearly 28 miles of this drainage, in a human body.

One man can raise 10 lbs. 10 ft. in a second, 10 hours a day.

One man can raise 100 lbs. one foot in a second.

One man can draw on a level 640 lbs.

One man can lift with both hands 236 pounds.

One man can support on his shoulders 330 lbs.

Five men working 10 hours a day is equal to one horse working 8 hours.

Three men carrying 100 lbs. each, will descend a hill quicker than one horse carrying 300 lbs.

A man's strength is greatest in raising a weight when his weight is to that of his load as 4 is to 3 lbs.

A man may eat and drink heartily all day, says an unknown writer, and sit and lounge about, doing nothing, in one sense of the word, but his body must keep hard at work all the time or he will die. Suppose the stomach refused to work within ten minutes after a hearty dinner, the man would die in convulsions in a few hours, or cholera, or cramp cholera would rack and wreck him. Supposing the pores of the skin—meaning thereby the glandular apparatus with which they are connected—should go on a "strike" he would in an hour be burning up with fever, oppression would weigh upon the system, and soon become unsupportable. If the little workshops of the eye should close, in an hour he could not shut nor open them without physical force, and in another he would be stone blind. To keep such a complication of machinery in working order for a lifetime is a miracle of wisdom, but to work them by the pleasures of eating and drinking is a miracle of beneficence.—*Ec.*

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