Statute III.
Feb. 6, 1839.

CHAP. XX.—*An Act to reorganize the district courts of the United States in the State of Alabama.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Alabama shall be, and the same is hereby, divided into three districts, in manner following, to wit: The counties of Walker, Pickens, Sumter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Tallapoosa, Chambers, Shelby, Jefferson, and Tuscaloosa, shall compose one district, to be called the middle district; and a court shall be held for the said district at Tuscaloosa. The counties of Jackson, Madison, Limestone, Lauderdale, St. Clair, Marion, Fayette, Randolph, Taladega, Franklin, Lawrence, Morgan, Benton, Marshall, De Kalb, Cherokee, and Blount, shall hereafter compose one district, to be called the northern district; and a court shall be held for the same, as heretofore, at Huntsville: and the residue of the counties of said State shall hereafter compose the southern district of Alabama; and a court shall be held for the same, as heretofore, at Mobile.

Alabama divided into three districts.
Middle district.
Northern district.
Southern district.

Sec. 2. *And be it further enacted*, That there shall be two terms of the district court for the middle district held at Tuscaloosa, in each year, to begin on the fourth Monday in May, and the first Monday after the fourth Monday in November; and the district judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid; and, furthermore, to hold one or more special terms at Tuscaloosa in each year, if, in his opinion, the business of the court shall require it to be done.

District judge to hold two annual terms, &c.

Sec. 3. *And be it further enacted*, That the fourth Monday in May, and first Monday after the fourth Monday in November, in each year, shall be return days for writs and executions returnable to the said district court at Tuscaloosa; and the parties to such suits as shall be so returned shall make up their pleadings, under such rules as the court shall prescribe, in order to have the causes so returned in a state of readiness for trial at the succeeding regular term.

Return days of the court at Tuscaloosa.

Sec. 4. *And be it further enacted*, That all causes at law or in chancery, pending in the said district courts at Mobile and Huntsville, or in the circuit court of the United States at Mobile, in which the defendant or defendants resided in the middle district (as hereby established) at the time of serving process shall be transferred for trial to the district court for the said middle district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerks of the said courts at Huntsville and Mobile safely to transmit to the clerk of the district court at Tuscaloosa the original papers in all cases hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

All causes pending in district courts to be transferred for trial to said middle district.
Clerks to transmit the papers in said cases.

Sec. 5. *And be it further enacted*, That all suits hereafter to be brought in either of said courts, not of a local nature, shall be brought in a court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, 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 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 not of a local nature, where to be brought.

Sec. 6. *And be it further enacted*, That the judge of said district courts shall appoint a clerk of the district court of the middle district,

Judge to appoint a clerk—his fees, &c.

(a) Notes of the acts relating to the district court of Alabama, vol. 3, 564.

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who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said court; said clerk shall be entitled to the same fees allowed by law to the clerks of the other districts of said State, perform the like duties, and be subject to the same liabilities and penalties.

The Attorney for the northern and the Marshal for the southern district to perform certain duties.

Sec. 7. *And be it further enacted*, That the district attorney of the northern, and the marshal of the southern, district of Alabama shall respectively perform the duties of district attorney and marshal of and for the middle district hereby established; and the said marshal shall keep an office at the city of Tuscaloosa, and his charges for mileage in the execution of the duties of his office within said middle district shall be computed from the said city of Tuscaloosa.

Jurisdiction of court for the middle district.

Sec. 8. *And be it further enacted*, That the said district court for the middle district of Alabama, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall, within the limits of said middle district, have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may by law be made, cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court.

Appeals, &c. to lie to U. S. circuit court at Mobile.

Sec. 9. *And be it further enacted*, That appeals and writs of error in the nature of appeals, shall lie and may be sued from the said district court at Tuscaloosa to the circuit court of the United States at Mobile in the State of Alabama.

Adjournment of the court.

Sec. 10. *And be it further enacted*, That should the judge of the district courts aforesaid fail to attend at the time and place of holding the court for the said middle district, at any one of its terms aforesaid, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next term thereof.

Laws contravening this act repealed.

Sec. 11. *And be it further enacted*, That all laws contravening or opposed to the provisions of this act be, and the same are hereby repealed.

Approved, February 6, 1839.

Statute III.
Feb. 13, 1839.
[Obsolete.]

Chap. XXIV.—*An Act to provide for the location and temporary support of the Seminole Indians removed from Florida.*

Appropriation for the Seminoles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized to provide a suitable location, west of the States of Missouri or Arkansas, for the Seminole Indians who have been or may be removed from Florida; and to provide for their support until they shall be removed to such location; and that, for these purposes, the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 13, 1839.

Statute III.
Feb. 13, 1839.
[Obsolete.]

Chap. XXV.—*An Act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year eighteen hundred and thirty-nine.*

Appropriations. Revolutionary pensioners under acts other than those of May 15, 1828, ch. 53, June 7, 1832, ch. 126, and July 4, 1836, ch. 362.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-nine:

For the revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two;