

missioner" and "consul" as used in this act.

All officers herein referred to responsible to the United States and the laws thereof.

with and exercising the principal diplomatic functions in China; and the word minister, as meaning the person vested with the powers of chief diplomatic functionary of the United States in Turkey. The word consul shall be understood to mean any person vested by the United States with, and exercising, the consular authority in any of the five ports in China named in the treaty, or in any port in Turkey.

SEC. 24. *And be it further enacted*, That all such officers shall be responsible for their conduct to the United States and to the laws thereof, not only as diplomatic functionaries and commercial functionaries, but as judicial officers when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

APPROVED, August 11, 1848.

Aug. 11, 1848.

CHAP. CLI.—*An Act for dividing the State of Georgia into two Judicial Districts, and organizing and establishing an additional District Court of the United States, with Circuit Court Powers and Jurisdiction.*

State of Georgia divided into two judicial districts.

Southern District.

Northern District.

Terms of court for the northern district.

Return days.

Certain causes pending in the courts at Savannah and Milledgeville to be transferred to the District Court for the northern district.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Georgia shall be, and the same is hereby, divided into two judicial districts, in manner following, to wit: the counties of Harris, Talbot, Upson, Monroe, Jones, Putnam, Hancock, Warren, Columbia, and all the counties in said State south of them, shall compose one district, to be called the southern district; and the courts shall be held as heretofore, and at the times now authorized and required by law, at Savannah. The counties of Troupe, Merriwether, Pike, Butts, Jasper, Morgan, Greene, Taliaferro, Wilkes, Lincoln, and all the remaining counties in said State north of them, shall compose one district, to be called the northern district, and a court shall be held for the said district at Marietta, in the county of Cobb.

SEC. 2. *And be it further enacted*, That there shall be two terms of the District Court for the northern district, held at Marietta, in each and every year, to begin on the second Monday in March, and on the second Monday in September. And the district judge of the United States for the State of Georgia is hereby required to hold the courts aforesaid; and furthermore, he is authorized and required to hold one or more special terms at Marietta, in each year, if, in his opinion, the business of the court or the public convenience shall require it to be done.

SEC. 3. *And be it further enacted*, That the second Monday in March and the second Monday in September in each year shall be return days for writs and executions, returnable to the said District Court to be held for the northern district at Marietta; 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.

SEC. 4. *And be it further enacted*, That all causes at law or in chancery pending in the said District Courts at Savannah, or in the Circuit Court of the United States at Savannah and Milledgeville, where the defendant or defendants resided in the northern district (as hereby established) at the time of serving process, shall be transferred for trial to the District Court for the said northern district, and be proceeded in, heard, adjudged, and determined in the same manner as though originally commenced or prosecuted in said court. And it shall be the duty of the clerks of the said courts at Savannah and Milledgeville safely to transmit to the clerk of the District Court at Mari-

etta the original papers in all cases hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

SEC. 5. *And be it further enacted*, That all suits hereafter to be instituted in either of said courts, not of a local nature, shall be commenced 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 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 the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one and the same suit, and be proceeded in accordingly.

Suits hereafter instituted to be commenced in a court of the district where the defendant resides; but if more than one defendant, plaintiff may sue in the district of either.

SEC. 6. *And be it further enacted*, That the judge of the said District Court shall appoint a clerk of the District Court of the northern district, who shall reside and keep his office, and records and documents appertaining thereto, at the place of holding said court. And the said clerk shall be entitled to the same fees allowed by law to the clerks of the District Courts in the other district in said State, perform the like duties, and be subject to the same liabilities and penalties.

Judge to appoint a clerk for northern district.

SEC. 7. *And be it further enacted*, That the district attorney and the marshal of the southern district of Georgia shall respectively perform the duties of the district attorney and marshal of the northern district. And the said marshal shall keep an office at Marietta; and his charges for mileage, in the execution of the duties of his office within the said northern district, shall be computed from Marietta.

District attorney and marshal of southern district to perform duties of district attorney and marshal for northern district.

SEC. 8. *And be it further enacted*, That the said District Court for the northern district of Georgia, in addition to the ordinary jurisdiction and powers of a District Court of the United States, shall, within the limits of the said northern district, have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may be made cognizable in a Circuit Court of the United States, and shall proceed therein in the same manner as a Circuit Court.

Jurisdiction of District Court for northern district.

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 Marietta to the Supreme Court of the United States.

Appeals, &c., to lie to Supreme Court of the United States.

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 northern district, at any one of its terms aforesaid, before the close of the fourth day of any such term, the business pending in any such court shall stand adjourned to the next term thereof.

In case judge should fail to attend, business to stand adjourned.

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.

Conflicting laws repealed.

APPROVED, August 11, 1848.

CHAP. CLII. — *An Act to authorize the State of Alabama to apply certain Lands heretofore granted to that State for internal improvements, for the Use of Schools in the valueless sixteen Sections in said State.*

Aug. 11, 1848.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the lands granted to the State of Alabama for purposes of internal improvement, by the eighth section of the act entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant preëemption rights," approved September fourth, eighteen hundred and forty-one, may be, and the same are hereby, placed at the disposal of the legislature of said State, at such price as said legislature may direct, to be

Certain lands granted to State of Alabama for internal improvements may be applied by said State for the use of schools.

1841, ch. 16.