

Public Law 88-139

AN ACT

October 16, 1963

[H. R. 2845]

To provide that the district courts shall be always open for certain purposes, to abolish terms of court and to regulate the sessions of the courts for transacting judicial business.

District courts.
Sessions, regulation.
62 Stat. 897.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 138, 139, 140, and 141 of title 28, United States Code, be amended to read as follows:

“§ 138. Terms abolished

“The district court shall not hold formal terms.

“§ 139. Times for holding regular sessions

“The times for commencing regular sessions of the district court for transacting judicial business at the places fixed by this chapter shall be determined by the rules or orders of the court. Such rules or orders may provide that at one or more of such places the court shall be in continuous session for such purposes on all business days throughout the year. At other places a session of the court shall continue for such purposes until terminated by order of final adjournment or by commencement of the next regular session at the same place.

“§ 140. Adjournment

“(a) Any district court may, by order made anywhere within its district, adjourn or, with the consent of the judicial council of the circuit, pretermitt any regular session of court for insufficient business or other good cause.

“(b) If the judge of a district court is unable to attend and unable to make an order of adjournment, the clerk may adjourn the court to the next regular session or to any earlier day which he may determine.

“§ 141. Special sessions; places; notice

“Special sessions of the district court may be held at such places in the district as the nature of the business may require, and upon such notice as the court orders.

“Any business may be transacted at a special session which might be transacted at a regular session.”

SEC. 2. Sections 452 and 1869 of title 28, United States Code, and sections 3288 and 3289 of title 18, United States Code, are each amended by striking out the word “term” wherever it appears therein and inserting in lieu thereof the word “session” and the catchline to section 452 is amended by striking out the word “terms” and inserting in lieu thereof the words “expiration of sessions”.

28 USC 81-144.

SEC. 3. (a) Items 138, 139, and 141 in the analysis of chapter 5 of title 28, United States Code, immediately preceding section 81, are amended to read as follows:

“138. Terms abolished.

“139. Times for holding regular sessions.

“141. Special sessions; places; notice.”

28 USC 451-460.

(b) Item 452 in the analysis of chapter 21 of title 28, United States Code, immediately preceding section 451, is amended to read as follows:

“452. Courts always open; power unrestricted by expiration of sessions.”

Approved October 16, 1963.