

Public Law 89-242

AN ACT

October 7, 1965
[S. 1620]

To consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 121 of title 28 of the United States Code is amended to read as follows:

Judicial dis-
tricts, S.C.
Consolidation.
62 Stat. 889.

"§ 121. South Carolina

"South Carolina constitutes one judicial district comprising ten divisions.

"(1) The Charleston Division comprises the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Georgetown, and Jasper.

"Court for the Charleston Division shall be held at Charleston.

"(2) The Columbia Division comprises the counties of Kershaw, Lee, Lexington, Richland, and Sumter.

"Court for the Columbia Division shall be held at Columbia.

"(3) The Florence Division comprises the counties of Chesterfield, Darlington, Dillon, Florence, Horry, Marion, Marlboro, and Williamsburg.

"Court for the Florence Division shall be held at Florence.

"(4) The Aiken Division comprises the counties of Aiken, Allendale, Barnwell, and Hampton.

"Court for the Aiken Division shall be held at Aiken.

"(5) The Orangeburg Division comprises the counties of Bamberg, Calhoun, and Orangeburg.

"Court for the Orangeburg Division shall be held at Orangeburg.

"(6) The Greenville Division comprises the counties of Greenville and Laurens.

"Court for the Greenville Division shall be held at Greenville.

"(7) The Rock Hill Division comprises the counties of Chester, Fairfield, Lancaster, and York.

"Court for the Rock Hill Division shall be held at Rock Hill.

"(8) The Greenwood Division comprises the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda.

"Court for the Greenwood Division shall be held at Greenwood.

"(9) The Anderson Division comprises the counties of Anderson, Oconee, and Pickens.

"Court for the Anderson Division shall be held at Anderson.

"(10) The Spartanburg Division comprises the counties of Cherokee, Spartanburg, and Union.

"Court for the Spartanburg Division shall be held at Spartanburg."

(b) The existing district judgeships for the Eastern District of South Carolina, the Western District of South Carolina, and the Eastern and Western Districts of South Carolina heretofore provided for by section 133 of title 28 of the United States Code shall hereafter be district judgeships for the District of South Carolina and the present incumbents of such judgeships shall henceforth hold their offices under section 133, as amended by this Act.

75 Stat. 81.

(c) In order that the table contained in section 133 of title 28 of the United States Code will reflect the change made by this section in the

number of districts in the State of South Carolina, such table is amended by striking out the following:

"South Carolina :

Eastern.....	1
Western.....	1
Eastern and Western.....	2"

and inserting in lieu thereof the following:

"South Carolina..... 4".

Consolidation of
districts.
62 Stat. 895.

SEC. 2. In compliance with section 132 of title 28 of the United States Code the District Courts for the Eastern and Western Districts of South Carolina are hereby consolidated into, and shall henceforth constitute, a single District Court for the District of South Carolina. No loss or interruption of the jurisdiction of the consolidated District Court for the District of South Carolina over cases and controversies heretofore decided by or now pending in the District Courts for the Eastern and Western Districts of South Carolina shall result from such consolidation and prosecutions for offenses committed within the Eastern and Western Districts of South Carolina prior to the effective date of this Act shall be commenced and proceeded with the same as if such consolidation had not occurred. For the purpose of the trial of such offenses, the District Courts for the Eastern and Western Districts of South Carolina are continued in existence and the judges of the District Court for the District of South Carolina shall sit as judges in such courts according to assignment made by the chief judge of the United States District Court for the District of South Carolina or the chief judge of the United States Court of Appeals for the Fourth Circuit. The District Court for the District of South Carolina shall appoint a clerk who shall supersede the clerks of the District Courts for the Eastern and Western Districts of South Carolina and who shall maintain his office at Columbia until the court otherwise directs pursuant to sections 457 and 751(c) of title 28 of the United States Code. The presently existing records of the District Courts for the Eastern and Western Districts of South Carolina shall be placed in his custody.

Appointment of
U.S. attorneys.

SEC. 3. When the term of office of either the United States attorney for the Eastern District of South Carolina or the United States attorney for the Western District of South Carolina, holding office on the date of enactment of this Act, has expired, the President is authorized to appoint a United States attorney for the District of South Carolina as provided by section 501 of title 28 of the United States Code. Until the United States attorney for the District of South Carolina has been appointed as herein authorized and has qualified, the United States attorney for the Eastern District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States attorney and to perform the duties of such office in the Charleston, Columbia, Orangeburg, Florence, and Aiken divisions of the District of South Carolina, and the United States attorney for the Western District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States attorney and to perform the duties of such office in the Greenville, Rock Hill, Greenwood, Spartanburg, and Anderson divisions of the District of South Carolina. In the event a vacancy, other than a vacancy resulting from expiration of term, arises in either of such offices prior to the appointment as herein authorized and qualification, of a United States attorney for the District of South Carolina the incumbent of the other such office shall also perform the duties of the office in which the vacancy occurs until such appointment and qualification.

SEC. 4. When the term of office of either the United States marshal for the Eastern District of South Carolina or the United States marshal for the Western District of South Carolina, holding office on the date of enactment of this Act, has expired, the President is authorized to appoint a United States marshal for the District of South Carolina as provided by section 541(a) of title 28 of the United States Code. Until the United States marshal for the District of South Carolina has been appointed as herein authorized and has qualified, the United States marshal for the Eastern District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States marshal and to perform the duties of such office in the Charleston, Columbia, Orangeburg, Florence, and Aiken divisions of the District of South Carolina, and the United States marshal for the Western District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States marshal and to perform the duties of such office in the Greenville, Rock Hill, Greenwood, Spartanburg, and Anderson divisions of the District of South Carolina. In the event a vacancy, other than a vacancy resulting from expiration of term, arises in either of such offices prior to the appointment as herein authorized and qualification of a United States marshal for the District of South Carolina the incumbent of the other such office shall also perform the duties of the office in which the vacancy occurs until such appointment and qualification.

Appointment of
U.S. marshal.

62 Stat. 910.

SEC. 5. All deputy clerks, clerical assistants, and other employees of the clerks, all court reporters, all probation officers and their clerical assistants, all referees in bankruptcy and their clerical assistants, all United States commissioners and all other presently serving officers and employees of the United States District Courts for the Eastern and Western Districts of South Carolina shall henceforth be officers or employees, as the case may be, of the United States District Court for the District of South Carolina and shall hold their offices or employment under and perform their duties for that court. All presently serving assistant United States attorneys and clerical assistants of the United States attorneys and all presently serving deputy marshals and clerical assistants of the United States marshals appointed for the Eastern or Western District of South Carolina shall henceforth hold their offices or employment for the District of South Carolina.

Court employ-
ees.

SEC. 6. The provisions of this Act shall become effective on the first day of the month following the date of enactment of this Act.

Effective date.

Approved October 7, 1965.