CHAPTER THREE.

DISTRICT COURTS—JURISDICTION.

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Jurisdiction.

SEC. 563. The district courts shall have jurisdiction as follows:

Crimes and offenses.

First. Of 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 fifty-four hundred and twelve, Title "CRIMES." [See §§ 4300–4305.]

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

3 March, 1815, c. 101, s. 4, v. 3, p. 245. 23 Aug., 1842, c. 188, s. 3, v. 5, p. 517. 28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.—*Ex parte* Bollman, 4 Cr., 75; U. S. *vs.* Hudson, 7 Cr., 32; U. S. *vs.* Coolidge, 1 Wh., 415; U. S. *vs.* Bevans, 3 Wh., 336.

Of piracy, when.

Second. Of all cases arising under any act for the punishment of piracy, when no circuit court is held in the district of such court.

3 March, 1823, c. 72, v. 3, p. 789. 15 May, 1820, c. 113, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721.—The Palmyra, 12 Wh., 1.

Penalties and forfeitures.

Third. Of all suits for penalties and forfeitures incurred under any law of the United States.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.—Ketland *vs.* The Cassius, 2 Dall., 365; Hall *vs.* Warren, 2 McLean, 332.

Suits at common law by United States or officers.

Fourth. Of all suits at common law brought by the United States, or by any officer thereof, authorized by law to sue.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 3 March, 1815, c. 101, s. 4, v. 3, p. 245.—Parsons *vs.* Bedford, 3 Pet., 433; Duncan *vs.* U. S., 7 Pet., 435.

Suits in equity to enforce internal-revenue taxes.

Fifth. Of all suits in equity to enforce the lien of the United States upon any real estate for any internal-revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest. [See § 3207.]

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Suits for penalties and damages for frauds against United States.

Sixth. Of all suits for the recovery of any forfeiture or damages under section thirty-four hundred and ninety, Title "DEBTS DUE BY OR TO THE UNITED STATES;" and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found. [See §§ 3490–3494.]

2 March, 1863, c. 67, s. 4, v. 12, p. 698.

Suits under postal laws.

Seventh. Of all causes of action arising under the postal laws of the United States.

3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Admiralty causes and seizures on land.

Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy, where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction shall be exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.
22 March, 1794, c. 11, s. 1, v. 1, p. 347.
10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, ss. 2, 7, v. 2, pp. 426, 428. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 483.

Glass *vs.* Sloop Betsey, 3 Dall., 6; Bingham *vs.* Cabbo, 3 Dall., 19; U. S. *vs.* Schooner Sallie, 2 Cr., 406; Rose *vs.* Himely, 4 Cr., 241; U. S. *vs.* Betsey and Charlotte, 4 Cr., 443; Keene *vs.* U. S., 5 Cr., 304; The Samuel, 1 Wh., 9; L'Invincible, 1 Wh., 238;

U. S. *vs.* Coolidge, 1 Wh., 415; Slocum *vs.* Mayberry, 2 Wh., 1; The Estrella, 4 Wh., 298; L'Amistad de Ruez, 5 Wh., 385; The Sarah, 8 Wh., 391; The Margaret, 9 Wh., 119; The Merino, 9 Wh., 391; Ramsay *vs.* Allegre, 12 Wh., 611; Hobart *vs.* Drogan, 10 Pet., 108; The Orleans *vs.* Phœbus, 11 Pet., 175; Smith *vs.* Condry, 1 How., 28; Waring *vs.* Clarke, 5 How., 441; New Jersey Steam Nav. Co. *vs.* Merchants' Bank, 6 How., 344; The Genesee Chief, 12 How., 443; Fretz *vs.* Bull, 12 How., 466; Walsh *vs.* Rogers, 13 How., 283; Steamboat New World *vs.* King, 16 How., 469; Bogart *vs.* Steamboat John Jay, 17 How., 399; Ward *vs.* Peck, 18 How., 267; Ure *vs.* Coffinann, 19 How., 56; Jackson *vs.* Steamboat Magnolia, 20 How., 296; People's Ferry Com. *vs.* Beers, 20 How., 393; Taylor *vs.* Carryl, 20 How., 598; Allen *vs.* Newberry, 21 How., 244; Nelson *vs.* Leland, 22 How., 48; Roach *vs.* Chapman, 22 How., 129; Ward *vs.* Thompson, 22 How., 330; Railroad *vs.* Steam Tow-boat Com., 23 How., 209; Moorewood *vs.* Enequist, 23 How., 491; The Steamer St. Lawrence, 1 Bl., 522; The Propeller Commerce, 1 Bl., 574; The Plymouth, 3 Wall., 20; The Moses Taylor, 4 Wall., 411; Hine *vs.* Trevor, 4 Wall., 555; The Eddy, 5 Wall., 481; The Siren, 7 Wall, 152; The Belfast, 7 Wall., 624; The Eagle, 8 Wall., 15; The Maggie Hammond, 9 Wall., 435; Norwich Com. *vs.* Wright, 13 Wall., 104; Steamboat Com. *vs.* Chase, 16 Wall., 522; Atkins *vs.* The Disintegrating Com., 18 Wall., 272; Corfield *vs.* Coryell, 4 Wash. C. C., 371; Clark *vs.* U. S., 2 Wash. C. C., 519; The Abby, 1 Mas., 360; The Washington, 4 Blatch., 101; Jennings *vs.* Carson's Exs., 1 Pet. Ad., 1; The Jerusalem, 2 Gallis., 345; De Lovio *vs.* Boit, 2 Gallis., 398.

Ninth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and seventy-six, Title "INSURRECTION."

Condemnation of property taken as prize.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. [See § 3039.]

Suits on debentures.

2 March, 1799, c. 22, s. 80, v. 1, p. 687.

Eleventh. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty-five, Title, "CIVIL RIGHTS." [See § 1980.]

Suits on account of injuries by conspirators in certain cases.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Twelfth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. [See §§ 1977, 1979.]

Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States.

20 April, 1871, c. 22, s. 1, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to 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: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States. [See § 2010.]

Suits to recover offices.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Fourteenth. Of all proceeding by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress, or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. [See § 1786.]

Suits for removal of officers holding contrary to fourteenth amendment.

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held.

Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy *vs.* Gibson, 8 Wall., 506.

Suits by aliens for torts in violation of the law of nations.

Sixteenth. Of all suits brought by any alien for a tort only in violation of the law of nations, or of a treaty of the United States.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Suits against consuls and vice-consuls.

Seventeenth. Of all suits against consuls or vice-consuls, except for offenses above the description aforesaid.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 23 Aug., 1842, c. 188, v. 5, p. 517.—Laury *vs.* Lausada, 1 Am. L. Rev., 92.

In bankruptcy.

Eighteenth. The district courts are constituted courts of bankruptcy, and shall have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Certain seizures cognizable in any district into which the property is taken.

SEC. 564. Proceedings on seizures for 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 and chattels coming from a State or section declared by proclamation of 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, may be prosecuted in any district court into which the property so seized may be taken, and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. [See §§ 5301, 5317.]

13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258.

May proceed in prize causes after appeal.

SEC. 565. Any district court may, notwithstanding an appeal to the Supreme Court, in any prize cause, make and execute all necessary orders for the custody and disposal of the prize property, and, in case of an appeal from a decree of condemnation, may proceed to make a decree of distribution, so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

[See § 4637.]

Trial of issues of fact.

SEC. 566. The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.
26 Feb., 1845, c. 20, v. 5, p. 726.

The Eagle, 8 Wall., 25.
Henderson's Distilled Spirits, 14 Wall., 44.

Transfer of records to district courts when a Territory becomes a State.

SEC. 567. When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the court of appeals of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been sued out or appeals had been taken and prosecuted to the Supreme Court, shall be transferred to and deposited in the district court for the said State. [See § 704.]

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Benner *vs.* Porter, 9 How., 235.
Forsyth *vs.* U. S., 9 How., 571. McNulty *vs.* Batty, 10 How., 72.

District judge shall demand and compel delivery of records of territorial court.

SEC. 568. It shall be the duty of the district judge, in the case provided in the preceding section, to demand of the clerk, or other person having possession or custody of the records therein mentioned, the delivery thereof, to be deposited in said district court; and, in case of the refusal of such clerk or person to comply with such demand, the said district judge shall compel the delivery of said records by attachment or otherwise, according to law.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Jurisdiction of district courts in cases transferred from territorial courts.

SEC. 569. When any Territory is admitted as a State, and a district court is established therein, the said district court shall 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

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.