Congress of the United States,

begun and held at the City of New York on
Wednesday the fourth of March one thousand seven hundred and eighty nine.

An Act to establish the judicial Courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supreme Court of the United States shall consist of a Chief justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

And be it further enacted, That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit: One to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Main district. One to consist of the State of New Hampshire, and to be called New Hampshire district. One to consist of the remaining part of the State of Massachusetts and to be called Massachusetts district. One to consist of the State of Connecticut, and to be called Connecticut district. One to consist of the State of New York, and to be called New York district. One to consist of the State of New Jersey, and to be called New Jersey district. One to consist of the State of Pennsylvania, and to be called Pennsylvania district. One to consist of the State of Delaware, and to be called Delaware district. One to consist of the State of Maryland, and to be called Maryland district. One to consist of the State of Virginia, except that part called the district of Kentucky, and to be called Virginia district. One to consist of the remaining part of the State of Virginia, and to be called Kentucky district. One to consist of the State of South Carolina, and to be called South Carolina district, and one to consist of the State of Georgia, and to be called Georgia district.

And be it further enacted, That there be a Court called a district Court in each of the above mentioned districts to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a district judge, and shall hold annually four sessions, the first of which to commence as follows, to wit, in the districts of New York, and of New Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware on the fourth Tuesdays of November next, in the districts of Massachusetts, of Main and of Maryland on the first, in the district of Georgia on the second, and in the districts of New Hampshire, of Virginia and of Kentucky on the third Tuesdays of December next, and the other three sessions progressively in the respective districts on the like Tuesdays of every third Calendar Month afterwards, and in the district of South Carolina, on the third Monday in March and September, the first Monday in May, and the second Monday in December of each and every year, commencing in December next, and that the district judge shall have power to hold special Courts at his discretion. That the stated district Court shall be held at the places following, to wit, in the district of Main at Portland and Pownalsborough alternately, beginning at the first, in the district of New Hampshire at Exeter and Portsmouth alternately, beginning at the first, in the district of Massachusetts at Boston and Salem alternately, beginning at the first, in the district of Connecticut alternately at Hartford and New Haven beginning at the first, in the district of New York at New York, in the district of New Jersey alternately at New Brunswick and Burlington beginning at the first, in the district of Pennsylvania at Philadelphia and York Town alternately beginning at the first, in the district of Delaware alternately at New Castle and Dover beginning at the first, in the district of Maryland alternately at Baltimore and Easton beginning at the first, in the district of Virginia alternately at Richmond and Williamsburgh beginning at the first, in the district of Kentucky at Harrodsburgh, in the district of South Carolina at Charleston, and in the district of Georgia alternately at Savannah and Augusta beginning at the first. And that the special Courts shall be held at the same place in each district as the stated Courts, or in districts that have two at either of them in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the district Court, the Records thereof shall be kept at that place, and in districts that have two at that place in each district which the judge shall appoint.

And be it further enacted, That the before mentioned districts except those of Main and Kentucky shall be divided into three Circuits, and be called the eastern, the middle and the southern Circuit. That the eastern circuit shall consist of the districts of New Hampshire, Massachusetts, Connecticut, and New York, that the middle circuit shall consist of the districts of New Jersey, Pennsylvania, Delaware, Maryland and Virginia, and that the southern Circuit shall consist of the districts of South Carolina and Georgia, and that there shall be held annually in each district of said Circuits two Courts, which shall be called circuit Courts, and shall consist of any two justices of the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: Provided that no district judge shall give a vote in any case of appeal or Error from his own decision, but may assign the reasons of such his decision.

And be it further enacted, That the first session of the said circuit Court in the several districts shall commence at the times following, to wit, in New Jersey on the second, in New York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty second, and in Delaware on the twenty seventh days of April next, in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New Hampshire on the twentieth, in Virginia on the twenty second, and in Georgia on the twenty eighth days of May next, and the subsequent sessions in the respective districts on the like days of every sixth calendar month afterwards, except in South Carolina where the session of the said Court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit Court shall be held in the district of New Hampshire at Portsmouth

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