

CHAP. XXXV.—An Act to divide the State of Virginia into two judicial Districts.

Feb. 3, 1871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Albemarle, Alleghany, Amherst, Appomatox, A[u]gusta, Bath, Bedford, Bland, Botetou[r]t, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Floyd, Franklin, Frederick, Fluvanna, Giles, Grayson, Green, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Patrick, Page, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Shenandoah, Tazewell, Washington, Wise, Wythe, and Warren, of the State of Virginia, shall hereafter constitute a new judicial district of the United States, and be called the western district of Virginia; and the circuit and district courts of the United States for said western district of Virginia shall be held at Lynchburg, Danville, Abingdon, and Harrisonburg, within said district.

Western judicial district of Virginia. [Act amended, Vol. xvii. p. 8.]

Places of holding courts therein.

Terms of circuit and district courts.

SEC. 2. And be it further enacted, That a term of the circuit and district court of the United States for said western district shall be held at Danville, on the first Monday of March and September; at Lynchburg, on the second Monday of March and September; at Abingdon, on the third Monday of March and September; and at Harrisonburg, on the Wednesday after the fourth Monday of March and September, in each year.

SEC. 3. And be it further enacted, That the district of Virginia shall hereafter consist of the counties of said State not named in this act, and shall be called the eastern district of Virginia; and circuit and district courts of the United States shall be held in said eastern district, as follows: At the city of Richmond on the first Monday of April and October, and at the city of Alexandria on the first Monday of January and on the first Monday of July, and at Norfolk on the first Monday of May and first Monday of November, in each year.

Eastern judicial district of Virginia.

Times and places of holding courts.

SEC. 4. And be it further enacted, That the said circuit or district court for either of said districts may, in its discretion, order special terms, and order a grand or petit jury, or both, to attend the same, by an order to be entered of record twenty days before the day at which said special term shall be ordered to convene; and said courts respectively at such special terms shall have all the powers that they have at a regular term appointed by law: *Provided, however,* That no special term of said circuit court for either district shall be appointed except by and with the concurrence and consent of the circuit judge.

Special terms of circuit and district courts, how ordered. Juries.

Powers of courts.

No special term of circuit court without, &c.

SEC. 5. And be it further enacted, That all suits and other proceedings, of whatsoever name or nature, now pending in the circuit or district court of the United States for the district of Virginia, shall be tried and disposed of in the circuit and district courts, respectively, for said eastern district, as the same would have been if this act had not been passed, and for that purpose jurisdiction is reserved to the said courts in the said eastern district; and the clerks of the circuit and district courts of the present district of Virginia shall retain the records and files of the said circuit and district courts, at the city of Richmond, and do and perform all the duties appertaining to the said offices, respectively, within the eastern district, except as is hereinafter provided; and all process returnable to or proceedings noticed for any term of the present circuit or district court shall be deemed to be returnable to the next term of said courts, respectively, in the said eastern district, as fixed by this act.

Provision for pending process.

Clerks. Records and files.

Return of process.

SEC. 6. And be it further enacted, That upon application of any party to any suit or proceeding now pending in the present circuit or district courts of the United States, for the present district of Virginia, which should have been commenced in the proper court for the western district if this act had been in force at the time of the commencement thereof the proper court shall order that the same be removed for further proceedings to the proper court for said western district; and thereupon the

Removal of pending suits to western district. Vol. xvii. p. 3.

Clerk to send certified copies.

clerk shall transmit certified copies of all the papers and of all orders made therein to the clerk of the court to which such suit or proceeding shall be removed, and all further proceedings shall be had in said court, to which the same shall be removed as if the said suit or proceeding had originally been commenced therein.

Liens of judgments and decrees not impaired hereby.

SEC. 7. *And be it further enacted*, That the passage of this act shall not have the effect to destroy or impair the lien of any judgment or decree, rendered by the circuit or district court of the United States for the present district of Virginia, prior to this act taking effect; and final process on any judgment or decree entered in the circuit or district court of the United States for the district of Virginia, or which shall be entered therein prior to this act taking effect, and all other process for the enforcement of any order of said courts respectively, in any cause or proceeding now pending therein, except causes or proceedings removed as herein provided, shall be issued from and made returnable to the proper court for the eastern district of Virginia, and may be directed to and executed by the marshal of the United States for the said eastern district in any part of the State of Virginia.

Final process on decrees, &c. entered before this act takes effect, &c.

District judge, attorney, and marshal for western district.

SEC. 8. *And be it further enacted*, That there shall be appointed a district judge for said western district of Virginia, who shall receive an annual salary of three thousand five hundred dollars; and there shall also be appointed a marshal and district attorney of the United States for said western district of Virginia, who shall respectively receive such fees and compensation, and exercise such powers and perform such duties as are fixed and enjoined by law.

Powers, duties, pay, &c.

Clerks of circuit and district courts; their residence, office, fees, &c.

SEC. 9. *And be it further enacted*, That the circuit and district judges shall appoint four clerks, each of whom shall be clerks both of the circuit and district courts for said western district, one of whom shall reside and keep his office at Lynchburg, another shall reside and keep his office at Abingdon, another shall reside and keep his office at Danville, and the fourth shall reside and keep his office at Harrisonburg, who shall receive the fees and compensation for services performed by them, respectively, now fixed by law.

Either clerk may make transcripts of records, &c. in office of eastern district affecting real estate in western district.

SEC. 10. *And be it further enacted*, That either of the clerks of the circuit and district courts for said western district is hereby authorized under the direction of the district judge of said western district to make a transcript from any of the records, files, or papers of the district and circuit courts of the United States remaining in the office of the clerks in said eastern district, of all matters and proceedings which relate to or concern liens upon or titles to real estate situate in said western district; and for that purpose shall have access to said records in the office of the said clerks in said eastern district; and such transcripts, when so made by either of said clerks, shall be certified to be true and correct by the clerk making the same, and the same when so made and certified shall be evidence in all courts and places equally with said originals.

Such transcripts when to be evidence.

This act not to affect census, &c.

SEC. 11. *And be it further enacted*, That this act shall not affect the completion of the census of the State of Virginia for the year eighteen hundred and seventy; and nothing herein shall affect existing laws or existing officers except as herein modified and provided.

APPROVED, February 3, 1871.

Feb. 6, 1871.

CHAP. XXXVIII. — *An Act for the Relief of the Stockbridge and Munsee Tribe of Indians, in the State of Wisconsin.*

The two townships of land set apart for the Stockbridge and Munsee tribe of Indians to be examined and appraised.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the two townships of land, situated in the county of Shawanaw, and State of Wisconsin, set apart for the use of the Stockbridge and Munsee tribe of Indians, shall, under direction of the Secretary of the Interior, be examined and appraised, by two or more disinterested appraisers to be selected by him, in