

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §149 (Mar. 3, 1911, ch. 231, §76, 36 Stat. 1108; June 15, 1933, ch. 77, 48 Stat. 147; Aug. 25, 1937, ch. 763, §1, 50 Stat. 800).

A provision requiring rooms and accommodations to be furnished at Orlando without cost to the United States was omitted as obsolete, upon advice of the Director of the Administrative Office for the United States Courts that Federal accommodations are now available in Orlando.

A provision requiring court to be open at all times was omitted as covered by section 452 of this title.

A provision that no deputy clerk or deputy marshal should be appointed at Fort Pierce, was omitted as incongruous with other sections of this title. See sections 541 [see 561], 542 [see 561], and 751 of this title.

The provision respecting court accommodations at Fort Pierce and Panama City was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-702, §1021(a)(1), added Collier, Glades, and Hendry to the counties comprising the Middle District.

Subsec. (c). Pub. L. 100-702, §1021(a)(2), struck out Collier, Glades, and Hendry from the counties comprising the Southern District.

1978—Subsec. (a). Pub. L. 95-408, §4(a)(1), added Madison to the counties comprising the Northern District.

Subsec. (b). Pub. L. 95-408, §4(a)(2), struck out Madison from the counties comprising the Middle District.

1970—Subsec. (c). Pub. L. 91-272 provided for holding court at Fort Lauderdale.

1962—Pub. L. 87-562 struck out provisions which authorized court for the Northern District to be held at Live Oak, and for the Southern District at Fernandina, Fort Myers, Jacksonville, Ocala, Orlando, and Tampa, and removed the counties of Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Columbia, De Soto, Duval, Flagler, Hamilton, Hardee, Hernando, Hillsborough, Lake, Lee, Madison, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Saint Johns, Sarasota, Seminole, Sumter, Suwannee, Union, and Volusia from the Southern District and created the Middle District to comprise such counties.

1961—Subsec. (a). Pub. L. 87-36 provided for holding court at Live Oak.

1952—Subsec. (b). Act July 17, 1952, provided for holding court at Fort Myers and West Palm Beach.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-702, title X, §1021(b), (c), Nov. 19, 1988, 102 Stat. 4672, provided that:

“(b) EFFECTIVE DATE.—(1) The amendments made by this section [amending this section] shall take effect 90 days after the date of enactment of this title [Nov. 19, 1988].

“(2) The amendments made by subsection (a) [amending this section] shall apply to any action commenced in the United States District Court for the Middle District of Florida, or in the United States District Court for the Southern District of Florida, on or after the effective date of this title [probably should be effective date of this section], and shall not affect any action pending in either such court on such effective date.

“(c) JURIES.—The amendments made by this section [amending this section] shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on the effective date of this title [probably should be effective date of this section].”

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Pub. L. 95-408, §5, Oct. 2, 1978, 92 Stat. 885, provided that:

“(a) The amendments made by this Act [amending this section and sections 93, 97, 98, 104, 112, 114, and 133

of this title and enacting provisions set out as a note under section 81 of this title] shall take effect 180 days after the date of enactment of this Act [Oct. 2, 1978].

“(b) Nothing in this Act shall affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act.”

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-562, §5, July 30, 1962, 76 Stat. 248, provided that: “This Act [amending this section and section 133 of this title and enacting provisions set out as notes under this section and section 142 of this title] shall become effective ninety days after the date of enactment [July 30, 1962].”

DISTRICT JUDGES, UNITED STATES ATTORNEYS, AND UNITED STATES MARSHALS DESIGNATIONS; TENURE; APPOINTMENTS

Pub. L. 87-562, §2, July 30, 1962, 76 Stat. 248, provided that:

“(a) The district judge appointed September 26, 1950, the district judge appointed August 13, 1955, and the district judge appointed March 8, 1961, all for the Southern District of Florida, shall hereafter be designated as district judges for the Middle District of Florida.

“(b) The district judge for the Northern and Southern Districts of Florida shall hereafter be designated as the district judge for the Northern, Middle, and Southern Districts of Florida.

“(c) Nothing in this Act [amending this section and section 133 of this title, and enacting provisions set out as notes under this section and section 142 of this title] shall in any manner affect the tenure of office of the United States Attorney and the United States Marshal for the Northern District of Florida who are in office at the time of the enactment of this Act [July 30, 1962], and who shall be during the remainder of their present terms of office the United States Attorney and Marshal for such district as constituted by this Act.

“(d) Nothing in this Act [amending this section and section 133 of this title and enacting provisions set out as notes under this section and section 142 of this title] shall in any manner affect the tenure of office of the United States Attorney and the United States Marshal for the Southern District of Florida who are in office at the time of the enactment of this Act [July 30, 1962], and who shall be during the remainder of their present terms of office the United States Attorney and Marshal for the Middle District of Florida as constituted by this Act.

“(e) The President is authorized to appoint, by and with the advice and consent of the Senate, a United States Attorney and a United States Marshal for the Southern District of Florida.”

ELIMINATION OF DISTRICT JUDGESHIP FOR NORTHERN, MIDDLE, AND SOUTHERN DISTRICTS OF FLORIDA

District judgeship for northern, middle, and southern districts changed to district judgeship for middle district only, see section 2(b) of Pub. L. 89-372, set out as a note under section 133 of this title.

§ 90. Georgia

Georgia is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Georgia.

Northern District

(a) The Northern District comprises four divisions.

- (1) The Gainesville Division comprises the counties of Banks, Barrow, Dawson, Fannin, Forsyth, Gilmer, Habersham, Hall, Jackson, Lumpkin, Pickens, Rabun, Stephens, Towns, Union, and White.

Court for the Gainesville Division shall be held at Gainesville.

- (2) The Atlanta Division comprises the counties of Cherokee, Clayton, Cobb, De Kalb, Douglas, Fulton, Gwinnett, Henry, Newton, and Rockdale.

Court for the Atlanta Division shall be held at Atlanta.

- (3) The Rome Division comprises the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield.

Court for the Rome Division shall be held at Rome.

- (4) The Newnan Division comprises the counties of Carroll, Coweta, Fayette, Haralson, Heard, Meriwether, Pike, Spalding, and Troup.

Court for the Newnan Division shall be held at Newnan.

Middle District

(b) The Middle District comprises seven divisions.

- (1) The Athens Division comprises the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton.

Court for the Athens Division shall be held at Athens.

- (2) The Macon Division comprises the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson.

Court for the Macon Division shall be held at Macon.

- (3) The Columbus Division comprises the counties of Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor.

Court for the Columbus Division shall be held at Columbus.

- (4) The Americus Division comprises the counties of Ben Hill, Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox.

Court for the Americus Division shall be held at Americus.

- (5) The Albany Division comprises the counties of Baker, Calhoun, Dougherty, Early, Miller, Mitchell, Turner, and Worth.

Court for the Albany Division shall be held at Albany.

- (6) The Valdosta Division comprises the counties of Berrien, Clinch, Cook, Echols, Irwin, Lanier, Lowndes, and Tift.

Court for the Valdosta Division shall be held at Valdosta.

- (7) The Thomasville Division comprises the counties of Brooks, Colquitt, Decatur, Grady, Seminole, and Thomas.

Court for the Thomasville Division shall be held at Thomasville.

Southern District

(c) The Southern District comprises six divisions.

- (1) The Augusta Division comprises the Counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes.

Court for the Augusta Division shall be held at Augusta.

- (2) The Dublin Division comprises the counties of Dodge, Johnson, Laurens, Montgomery, Telfair, Treutlen, and Wheeler.

Court for the Dublin Division shall be held at Dublin.

- (3) The Savannah Division comprises the counties of Bryan, Chatham, Effingham, and Liberty.

Court for the Savannah Division shall be held at Savannah.

- (4) The Waycross Division comprises the counties of Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce, and Ware.

Court for the Waycross Division shall be held at Waycross.

- (5) The Brunswick Division comprises the counties of Appling, Camden, Glynn, Jeff Davis, Long, McIntosh, and Wayne.

Court for the Brunswick Division shall be held at Brunswick.

- (6) The Statesboro Division comprises the counties of Bulloch, Candler, Emanuel, Evans, Jenkins, Screven, Tattnall, and Toombs.

Court for the Statesboro Division shall be held at Statesboro.

(June 25, 1948, ch. 646, 62 Stat. 876; Aug. 16, 1949, ch. 444, 63 Stat. 610; Oct. 31, 1951, ch. 655, §36a, 65 Stat. 723; Pub. L. 98-620, title IV, §408(a)-(c), Nov. 8, 1984, 98 Stat. 3362; Pub. L. 99-657, §3, Nov. 14, 1986, 100 Stat. 3670.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §150 (Mar. 3, 1911, ch. 231, §77, 36 Stat. 1108; May 28, 1926, ch. 414, §§1, 2, 44 Stat. 670; Aug. 22, 1935, ch. 603, §§1-3, 49 Stat. 680, 681; June 20, 1936, ch. 639, 49 Stat. 1561; Aug. 21, 1937, ch. 728, §§1, 2, 50 Stat. 739, 740; Mar. 6, 1942, ch. 153, §§1-3, 56 Stat. 139; Oct. 29, 1945, ch. 435, 59 Stat. 550).

Provisions for furnishing rooms and accommodations at Americus and Dublin were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in each of those places.

The provisions respecting court accommodations at Brunswick, Newnan, or Thomasville were omitted as covered by section 142 of this title.

Since the latest amendment of section 150 of title 28, U.S.C., 1940 ed., the former counties of Campbell and Milton were merged with Fulton County in the Atlanta Division of the Northern District.

Changes in arrangement and phraseology were made.

AMENDMENTS

1986—Subsec. (c)(1). Pub. L. 99-657, §3(1), substituted “Jefferson, Lincoln” for “Lincoln”.

Subsec. (c)(3). Pub. L. 99-657, §3(2), substituted “and Liberty” for “Evans, Liberty, Screven, and Tattnall”.

Subsec. (c)(6). Pub. L. 99-657, §3(3), substituted “Evans, Jenkins, Screven, Tattnall” for “Jefferson, Jenkins”.

1984—Subsec. (a)(1). Pub. L. 98-620, §408(a), added Fannin, Gilmer, and Pickens to the counties comprising the Gainesville Division of the Northern District.

Subsec. (a)(2). Pub. L. 98-620, §408(b), struck out Fannin, Gilmer, and Pickens from the counties comprising the Atlanta Division of the Northern District.

Subsec. (c)(6). Pub. L. 98-620, §408(c), substituted “Statesboro” for “Swainsboro” in three places.

1951—Subsec. (c)(6). Act Oct. 31, 1951, struck out “Washington.”

1949—Subsec. (c). Act Aug. 16, 1949, created a Swainsboro division and provided for holding court there.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-657 effective 90 days after Nov. 14, 1986, and not to affect any action commenced before and pending on such effective date, or to affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on such date, see section 4 of Pub. L. 99-657, set out as a note under section 121 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-620, title IV, § 408(d), Nov. 8, 1984, 98 Stat. 3362, provided that: “The amendments made by this section [amending this section] shall apply to any action commenced in the United States District Court for the Northern District of Georgia on or after the effective date of this subtitle [Jan. 1, 1985], and shall not affect any action pending in such court on such effective date.”

Amendment by Pub. L. 98-620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98-620, set out as a note under section 85 of this title.

§ 91. Hawaii

Hawaii constitutes one judicial district which includes the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Palmyra Island, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island: *Provided*, That the inclusion of Canton and Enderbury Islands in such judicial district shall in no way be construed to be prejudicial to the claims of the United Kingdom to said Islands in accordance with the agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common.

Court shall be held at Honolulu.

(June 25, 1948, ch. 646, 62 Stat. 877; May 24, 1949, ch. 139, § 64a, 63 Stat. 99; Pub. L. 86-3, § 14(i), Mar. 18, 1959, 73 Stat. 11; Pub. L. 86-624, § 19, July 12, 1960, 74 Stat. 416.)

HISTORICAL AND REVISION NOTES

Based on sections 641 and 642a of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; Aug. 13, 1940, ch. 662, 54 Stat. 784).

Section consolidates parts of sections 641 and 642a of title 48, U.S.C., 1940 ed.

The provisions of section 641 of title 48, U.S.C., 1940 ed., with reference to regular and special terms and the times of holding same were omitted as covered by sections 138 and 141 of this title.

Provisions of section 642a of title 48, U.S.C., 1940 ed., relating to jurisdiction of civil actions and criminal offenses, were omitted as covered by the general jurisdictional provisions of this title and revised title 18 (H. R. 3190, 80th Cong.).

Provisions of section 642a of title 48, U.S.C., 1940 ed., as to appeals were omitted as covered by section 1295 of this title. Provisions of said section 642a with reference to juries and jury trials were omitted as covered by chapter 121 of this title.

Other provisions of section 641 of title 48, U.S.C., 1940 ed., are incorporated in sections 132 and 133 of this title.

Changes were made in phraseology.

AMENDMENTS

1960—Pub. L. 86-624 struck out Kure Island.

1959—Pub. L. 86-3 included Palmyra Island.

1949—Act May 24, 1949, inserted provisions relating to inclusion of Canton and Enderbury Islands.

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86-3, § 14, Mar. 18, 1959, 73 Stat. 10, provided that the amendments of sections 91, 373, 1252, 1293, and 1294 of this title, sections 3771 and 3772 of Title 18, Crimes and Criminal Procedure, and section 644a of Title 48, Territories and Insular Possessions, the repeal of sections 536, 539, 634, 634a, and 645 of title 48, and notes set out under sections 371 and 373 of this title, are effective on admission of the State of Hawaii into the Union. See Admission of Hawaii as State note below.

CANTON AND ENDERBURY ISLANDS; SOVEREIGNTY OF KIRIBATI

By a treaty of friendship, TIAS 10777, which entered into force Sept. 23, 1983, the United States recognized the sovereignty of Kiribati over Canton Island and Enderbury Island.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

COURT OF THE UNITED STATES; DISTRICT JUDGES

Pub. L. 86-3, § 9(a), Mar. 18, 1959, 73 Stat. 8, provided that: “The United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thence forth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however*, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior.”

Section 9 of Pub. L. 86-3 provided in part that subsec. (a) of that section should be effective upon the admission of the State of Hawaii into the Union.

CONTINUATION OF SUITS

Pub. L. 86-3, § 12, Mar. 18, 1959, 73 Stat. 9, provided that: “No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

“All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the