

## 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 thenceforth 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 subsection (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 admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.”

#### APPEALS

Pub. L. 86-3, §13, Mar. 18, 1959, 73 Stat. 10, provided that: “Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court

of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.”

EXTENSION OF JURISDICTION OF UNITED STATES DISTRICT COURT FOR DISTRICT OF HAWAII AND OF CIVIL AND CRIMINAL LAWS TO MIDWAY, WAKE, JOHNSON, SAND, ETC., ISLANDS

The jurisdiction of the United States District Court for the District of Hawaii and the laws of the United States relating to civil acts or offenses consummated or committed on the high seas on board a vessel belonging to the United States were extended to the Midway Islands, Wake, Johnson, Sand, etc., Islands by section 644a of Title 48, Territories and Insular Possessions.

#### § 92. Idaho

Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

Court shall be held at Boise, Coeur d'Alene, Moscow, and Pocatello.

(June 25, 1948, ch. 646, 62 Stat. 877; Pub. L. 91-272, § 5, June 2, 1970, 84 Stat. 297.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §151 (Mar. 3, 1911, ch. 231, § 78, 36 Stat. 1109; May 11, 1939, ch. 121, 53 Stat. 738).

All of Yellowstone National Park is included in the judicial district of Wyoming by section 131 of this title. Those parts of the park lying in Idaho are accordingly excluded from the judicial district of Idaho.

A provision as to the places for maintenance of the clerk's offices, and requiring that they be open at all times, was omitted as covered by sections 452-751 of this title.

Changes in arrangement and phraseology were made.

#### AMENDMENTS

1970—Pub. L. 91-272 struck out provisions which had divided the judicial district of Idaho into a Northern Division, a Central Division, a Southern Division, and an Eastern Division.

#### § 93. Illinois

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

#### Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Cook, Du Page, Grundy, Kane, Kendall, Lake, La Salle, and Will.

Court for the Eastern Division shall be held at Chicago and Wheaton.

(2) The Western Division comprises the counties of Boone, Carroll, De Kalb, Jo Daviess, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago.

Court for the Western Division shall be held at Freeport and Rockford.

#### Central District

(b) The Central District comprises the counties of Adams, Brown, Bureau, Cass, Champaign, Christian, Coles, De Witt, Douglas, Edgar, Ford, Fulton, Greene,