

Congress Creates the Federal Court System

Center for Legislative Archives

Worksheet 1: Analyzing Sections 1 - 4 of the Federal Judiciary Act (1789)

Group 1 Instructions: Study the following sections of the Federal Judiciary Act and answer the questions as a group. *Source: For the full document visit <https://www.ourdocuments.gov>.*

SECTION 1. 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...

SEC. 2. 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:

SEC. 3. And be it further enacted, That there be a court called a District Court, in each of the afore 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...

SEC. 4. And be it further enacted, That the before mentioned districts... shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit... 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...

Questions:

1. How many justices will serve on the U. S. Supreme Court?
2. How many Federal judicial circuits will there be?
3. How many sessions of the Federal circuit court will be held each year?
4. Who are the judges who serve on the Federal circuit court, according to this act?
5. How many Federal district courts will there be?
6. How often will district courts meet?

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Worksheet 2: Analyzing Sections 7 - 13 of the Federal Judiciary Act (1789)

Group 2 Instructions: Study the following sections of the Federal Judiciary Act and answer the questions as a group. *Source: For the full document visit <https://www.ourdocuments.gov>.*

SEC. 7. And be it [further] enacted, That the Supreme Court, and the district courts shall have power to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district...

SEC. 9. And be it further enacted, That the district courts shall have... (jurisdiction over) all crimes and offences that shall be (recognized) under the authority of the United States, committed within their respective districts... and of all suits for penalties and forfeitures incurred, under the laws of the United States. ... And the trial of issues in fact, in the district courts, in all causes except (cases involving ships at sea) shall be by jury.

SEC. 11. And be it further enacted, That the circuit courts shall have original (jurisdiction), concurrent with the courts of the several States, of all suits of a civil nature at common law... where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; ...And shall have exclusive (jurisdiction) of all crimes and offences (recognized) under the authority of the United States ...And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided.

SEC. 13. And be it further enacted, That the Supreme Court shall have exclusive jurisdiction of all (cases) of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction... The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases herein after specially provided for...

Questions:

1. Which courts can appoint clerks under this act?
2. What is the jurisdiction of the district courts?
3. Which courts can appeal decisions to the circuit courts?
4. Which courts can appeal cases to the Supreme Court?

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Worksheet 3: Analyzing Sections 27 - 35 of the Federal Judiciary Act (1789)

Group 3 Instructions: Study the following sections of the Federal Judiciary Act and answer the questions as a group. *Source: For the full document visit <https://www.ourdocuments.gov>.*

SEC. 27. And be it further enacted, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the District in which that court shall sit. And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as there shall be occasion, one or more deputies, who shall be removable from office by the judge of the district court...

SEC. 30. And be it further enacted, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States... as of actions at common law...

SEC. 35. ... And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district... And he shall receive as compensation for his services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be.

And there shall also be appointed a meet person, learned in the law, to act as attorney-general for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States...

Questions:

1. What are the duties of a marshal?
2. How is guilt proven in a Federal court?
3. What are the duties of a U.S. Federal district attorney?
4. What are the duties of the U. S. Attorney General?

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Worksheet 4: Mapping the Judiciary Act of 1789

Instructions: Complete this chart with information from your first worksheet. List the section of the Judiciary Act where you find each answer.

Group 1	Group 2		Group 3
<p>Supreme Court (How many members?)</p>	<p>Supreme Court</p>	<p>What is the jurisdiction of each level of Federal court?</p> <p>Original Appeal</p>	<p>Attorney General (Duties?)</p>
<p>Circuit Court (How many?) (Who are the judges?)</p>	<p>Circuit Court</p>	<p>Show the path of appeals with arrows.</p>	
<p>District Court (How many courts?) (How many judges per court?)</p>	<p>District Court</p>		<p>U.S. Attorney (Duties?)</p>
<p>In what section are Judges discussed?</p>	<p>In what section are Clerks discussed? In what section are Juries discussed?</p>		<p>In what section are Marshals discussed? In what section is the type of evidence to be used in trials discussed?</p>

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Worksheet 5: Reflection Questions

Instructions: Discuss and formulate an answer to each of the following questions in your group. Write the answer your group agreed upon in the space below each question marked group. Be prepared to share your responses in a whole class discussion. Write your individual answer to each question after participating in the whole-class discussion

Group 1: How did creating a Federal court system show Congress completing the Constitution?

Group 2: How would creating a Federal court system give Congress a way to expand the authority of the Federal government?

Group 3: How would creating a Federal court system reinforce the principle of “equal justice under the law”?

