

# Congress Creates the Federal Court System

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## Worksheet 1 Answer Key: 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, except those of Maine and Kentucky, 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?  
6
2. How many Federal judicial circuits will there be?  
3
3. How many sessions of the Federal circuit court will be held each year?  
2
4. Who are the judges who serve on the Federal circuit court, according to this act?  
*2 justices of the Supreme Court and a district judge*
5. How many Federal district courts will there be?  
13
6. How often will district courts meet?  
4

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## Worksheet 2 Answer Key: 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 civil causes of admiralty and maritime jurisdiction, 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 ... 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... And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. 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?  
*The Supreme Court and District Courts*
2. What is the jurisdiction of the district courts?  
*All crimes and offences against Federal law committed in the district and suits for fines imposed under the laws of the United States*
3. Which other courts can appeal decisions to the circuit courts?  
*District Court*
4. Which other courts can appeal cases to the Supreme Court?  
*Circuit courts and state courts.*

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## Worksheet 3 Answer Key: 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 Federal marshal? *to attend the district and circuit courts when sitting therein, and also the Supreme Court in the District in which that court shall sit; to execute throughout the district, all lawful orders directed to him, and issued under the authority of the United States; he has power to command all necessary assistance in the execution of his duty*
2. How is guilt proven in a Federal court? *by oral testimony and examination of witnesses in open court*
3. What are the duties of a U.S. Federal district attorney? *to act as attorney for the United States*
4. What are the duties of the U. S. Attorney General? *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*

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## Worksheet 4 Answer Key: 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><b>Supreme Court</b> (How many members?) <i>Sec 1</i></p>	<p>Supreme Court</p> <p>What is the jurisdiction of each level of Federal court?</p> <p>Original</p> <p><i>Sec 13</i></p>	<p>Appeal</p> <p><i>Sec 13</i></p>	<p><b>Attorney General</b> (Duties?) <i>Sec 35</i></p>
<p><b>Circuit Court</b> (How many?) (Who are the judges?) <i>Sec 4</i></p>	<p>Circuit Court</p> <p><i>Sec 11</i></p>	<p><i>Sec 11</i></p>	
<p><b>District Court</b> (How many courts?) (How many judges per court?) <i>Sec 3 and 4</i></p>	<p>District Court</p> <p><i>Sec 9</i></p>	<p>N/A</p>	<p><b>U.S. Attorney</b> (Duties?) <i>Sec 35</i></p>
<p>In what section are <b>Judges</b> discussed? <i>Sec 3</i></p>	<p>In what section are <b>Clerks</b> discussed? <i>Sec 7</i> In what section are <b>Juries</b> discussed? <i>Sec 9</i></p>		<p>Where are <b>Marshals</b> discussed? <i>Sec 27</i> Where is the <b>type of evidence</b> to be used in trials discussed? <i>Sec 30</i></p>



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## Worksheet 5 Answer Key: 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

*Note: The responses to these questions will be varied. A general example of a response is given for each question*

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

*Article III of the Constitution simply states that “The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” By this act of legislation, Congress specifies the number and type of Federal courts that will exist and defines the officials who will serve in the system.*

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

*By creating a Federal court system established an institution to enforce the laws it created. By naming officials of the system, it created a staff of people to be the agents enforcing Federal law.*

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

*A Federal court system would establish uniform standards of justice across the nation as a whole. The alternate system would be to have state courts enforce laws created by Congress. In that system, different states might interpret laws differently.*