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**Minutes of the U.S. Circuit Court
for the District of Georgia,
1790-1842, and Index to Plaintiffs
and Defendants in the
Circuit Court, 1790-1860**



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WASHINGTON: 1982

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Records of District Courts

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Record Group 21

MINUTES OF THE U.S. CIRCUIT COURT
FOR THE DISTRICT OF GEORGIA, 1790-1842,
AND INDEX TO PLAINTIFFS AND DEFENDANTS
IN THE CIRCUIT COURT, 1790-1860

On the three rolls of this microfilm publication are reproduced seven volumes of minutes of the U.S. Circuit Court for the District of Georgia, 1790-1842, and a one-volume index of plaintiffs and defendants in the Circuit Court, 1790-1860. These records are part of Records of District Courts of the United States, Record Group (RG) 21, and are housed in the Federal Archives and Records Center, Atlanta, Ga.

Background

The Judiciary Act of September 24, 1789 (1 Stat. 73), provided for a system of district and circuit courts in addition to the Supreme Court of the United States. The act divided the country into 13 judicial districts and established in each a district court consisting of one district judge. The districts were divided into eastern, middle, and southern circuits. A circuit court was made up of the district judge and two Justices of the Supreme Court, any two of whom would constitute a quorum, and was to convene twice a year in each district.

The State of Georgia constituted one of the 13 judicial districts established by the first Judiciary Act. Georgia, together with South Carolina, constituted the Southern Circuit. The act provided that the circuit courts for the Georgia district should be held alternately at Savannah and Augusta. The first session of the circuit court in Georgia was held at Savannah on May 28, 1790 with John Rutledge and James Iredell, Associate Justices of the Supreme Court, and Nathaniel Pendleton, district judge, presiding.

During the struggles between the Federalists and Jeffersonians in 1801 and 1802, three separate statutes changed the number and jurisdiction of the districts, circuits, and judges (2 Stat. 89, 132, and 156). The last of these acts established six circuits and assigned one Supreme Court Justice to each. The Supreme Court Justice and the district court judge could hold court together, or either could act alone. Only the Supreme Court Justice, sitting as a circuit court justice, could exercise appellate jurisdiction. This system remained unchanged until 1869 when an act of Congress (16 Stat. 44) authorized the President to appoint a circuit judge in each circuit and provided each with the same authority as a circuit court justice.

When the judicial districts were reorganized into six circuits under an act of April 29, 1802 (2 Stat. 156), the Districts of South Carolina and Georgia became the sixth circuit. The same act provided that terms of the court were to be held in Louisville instead of Augusta. An act of March 9, 1808 (2 Stat. 472), provided for terms of the court at Milledgeville instead of Louisville.

The original jurisdiction of the circuit courts was conferred by the Judiciary Act of 1789. In general, when the amount in dispute exceeded \$500, the jurisdiction applied to cases arising under the Constitution, laws, or treaties of the United States; cases of dispute between citizens of different states; and suits between citizens of a state and a foreign state or its citizens. The original jurisdiction of a circuit court also included, irrespective of the amount in dispute, suits between citizens of the same state claiming lands under grants of different states; cases in which the United States was plaintiff or petitioner; and all proceedings arising out of crimes and offenses against the United States, except as otherwise provided by law. A number of special laws further conferred on the circuit courts jurisdiction over various other matters, such as cases relating to the infringement of patents and copyrights, transportation of passengers in merchant vessels, controversies between trustees in bankruptcy and adverse claimants to property held by the trustee, violation of civil rights and the elective franchise, importation of alien contract labor, registration of trademarks, and unlawful restraints of trade and monopolies.

The circuit courts also had appellate jurisdiction over district court decisions; this jurisdiction derived from the original Judiciary Act of 1789 and from an act of March 3, 1803 (2 Stat. 244). It was exercised either by appeal, a proceeding that subjected both the law and the facts to a review, or by writ of error, a process that subjected only the laws to reexamination. When the amount in dispute exceeded \$50, the circuit court's appellate jurisdiction applied to all final decrees of the district court in cases of admiralty and maritime jurisdiction (in which case the remedy was by appeal) and to all judgments in civil actions (in which case the remedy was by writ of error).

Records Description

The minutes reproduced in this microfilm publication are a record of the activities of the U.S. Circuit Court for the District of Georgia, 1790-1842, showing dates of sessions, names of presiding judges, and, usually, judgments and orders

of the court arising out of the litigation of all cases before it, original and appellate, civil and criminal. The minutes also record some naturalization proceedings, the admission of attorneys to practice before the court, names of persons summoned to serve as grand and petit jurors, fines imposed upon defaulting jurors, findings and verdicts of juries, settlement of cases by agreement, adoption of procedural rules and administrative regulations, and the appointment of court officials. The entries in the minutes are chronological by date of session.

The minutes relate to cases concerned with such matters as the maintenance of U.S. neutrality during foreign wars, evasion of customs duties and trespass laws, salvage, privateering and prize law, mutinies and revolts, bankruptcy, slavery and slave trade, protection of patents for inventions, and ejection of tenants and rent procedures. There are a number of grand jury presentments entered into the minutes.

Included on the microfilm is an index to case files of the court pertaining to original jurisdiction as well as appellate cases (all types of litigation). The index is for both plaintiff and defendant. The entries are arranged in one alphabetical sequence by initial letter of surname or firm name. Each entry provides the filing date and control number for the case. The division of the State of Georgia into two districts in 1848 (9 Stat. 280) did not affect this arrangement.

All pages of the minutes and all pages of the index with writing have been filmed; blank pages were omitted.

Related Records

Related records in RG 21 are district court records for the same period, 1790-1842; circuit and district court records, 1843-1911; and district court records, 1912-55. An act of March 3, 1911 (36 Stat. 1167) terminated circuit courts effective January 1, 1912, and transferred their jurisdictions and records to the district courts. Also on film is M1172, *Index Books, 1789-1928, and Minutes and Bench Dockets, 1789-1870, for the District Court, Southern District of Georgia.*

Additional information is available in the multivolume publication *Federal Cases*, an annotated reprint of the decisions of U.S. district and circuit courts from 1789 to 1880; Erwin C. Surrency, *Federal District Court Judges and the History of Their Courts* (History of Federal Courts Pamphlet No. 1, 1966, privately printed); "History of

Federal Courts," 28 *Missouri Law Review*, 214 (1963); Charles Warren, *The Supreme Court in United States History* (Boston, 1935; 2 vols.); and John J. Parker, "The Federal Judicial System," 14 *Federal Rules Decisions*, 361 (1954).

This microfilm publication is part of a project to reproduce most existing U.S. district and circuit court records for the period 1789-1840 that are part of the National Archives of the United States. The project was originally suggested and initiated by Irwin S. Rhodes and Savioe Lottinville, codirectors of the Irwin S. and Elizabeth F. Rhodes Legal History Collections of the University of Oklahoma, and is the result of joint planning with the National Archives and Records Service (NARS). The selection of records to be microfilmed and the establishment of priorities for microfilming the records are based largely on Mr. Rhodes' comprehensive survey and report of extant Federal court records, 1789-1840. This report, with modifications, has been issued by NARS as Special List No. 31, *List of Pre-1840 Federal District and Circuit Court Records* (1972). It is available from the Publications Sales Branch (NEPS), National Archives Building (GSA), Washington, DC 20408. The list serves as a guide to Federal Court records in several NARS depositories.

The primary purposes of this microfilm publication are to provide access to Federal Court records for scholarly research and to promote the undertaking of such research. Inquiries and advice regarding the development of research projects are invited by the Archives Branch in Atlanta. This series of records is housed in the Atlanta Regional Branch of the National Archives.

These introductory remarks were written by Charles Reeves.

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