

Judiciary Acts. The Judiciary Article (Art. III) of the U.S. Constitution created a Supreme Court and "such inferior courts as the Congress may from time to time ordain or establish". The First Congress established such inferior federal courts under the Judiciary Act of 1789. Subsequent major judiciary acts include the following: Act of 1875 granting federal question jurisdiction; Act of 1891 (Evarts Act) establishing circuit courts of appeals and fixing the outline of the contemporary scheme of federal appellate review; Act of 1911 enacting the Federal Judicial Code (which was recodified in 1948 and 1958); Act of 1925 (Judges' Bill), and 1988, further narrowing the scope of discretionary review by certiorari of the Supreme Court. *See also* Federal Judicial Code.

Black's Law
6th

United States Courts. Courts upon which the judicial power of the United States is conferred by the third article of the United States Constitution. *American Ins. Co. v Canter* (US) 1 Pet 511, 7 L Ed 242; *Federal Trade Com. v Klesner*, 274 US 145, 71 L Ed 972, 47 S Ct 557. The United States Supreme Court and courts inferior to it, commonly known as federal courts, ordained and established by Congress in the exercise of its constitutional powers. 20 Am J2d Cts § 6.

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constitutional courts. Courts which are directly established by the constitution, and therefore beyond the power of the legislature to abolish or alter. 20 Am J2d Cts § 17; Federal courts established by Congress pursuant to Article 3, section 1 of the Constitution of the United States. 20 Am J2d Cts § 8.

Ballentine's
3rd Ed.

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Fourteenth Amendment. The Fourteenth Amendment of the Constitution of the United States, ratified in 1868, creates or at least recognizes for the first time a citizenship of the United States, as distinct from that of the states; forbids the making or enforcement by any state of any law abridging the privileges and immunities of citizens of the United States; and secures all "persons" against any state action which results in either deprivation of life, liberty, or property without due process of law, or, in denial of the equal protection of the laws. This Amendment also contains provisions concerning the apportionment of representatives in Congress. See also Due process of law; Equal protection clause.

Black's Law Dictionary 6th Ed.—15

Black's Law 6th Ed

Freeholder. One having title to realty; either of inheritance or for life; either legal or equitable title. A person who possesses a freeholder estate; *i.e.* the owner of a freehold.

1846 Websters

FREEHOLD, n. That land or tenement which is held in fee-simple, fee-tail, or for term of life.—In the United States, a freehold is an estate which a man holds in his own right, subject to no superior nor to conditions.
FREEHOLD-ER, n. One who owns an estate in fee-simple, fee-tail or for life; the possessor of a freehold.

Ballentine's 3rd Ed.

subject to the jurisdiction thereof. A phrase made familiar by inclusion in the Fourteenth Amendment.

As these words are used in the first section of the Fourteenth Amendment of the Federal Constitution, providing for the citizenship of all persons born or naturalized in the United States and subject to the jurisdiction thereof, the purpose would appear to have been to exclude by the fewest words (besides children of members of the Indian tribes, standing in a peculiar relation to the National Government, unknown to the common law), the two classes of cases, children born of alien enemies, in hostile occupation, and children of diplomatic representatives of a foreign state,—both of which, by the law of England and by our own law, from the time of the first settlement of the English colonies in America, had been recognized exceptions to the fundamental rule of citizenship by birth within the country. *United States v Wong Kim Ark*, 169 US 649, 682, 42 L Ed 890, 902, 18 S Ct 456.

subject. A citizen. An inhabitant. A person domiciled in a country and enjoying the protection afforded by it under sovereign power. *The Pizarro (US)* 2 Wheat 227, 245, 4 L Ed 226, 231.
See subject to.

Black's Law 6th Ed.

Inhabitant. One who resides actually and permanently in a given place, and has his domicile there. *Ex parte Shaw*, 145 U.S. 444, 12 S.Ct. 935, 36 L.Ed. 768.

The words "inhabitant," "citizen," and "resident," as employed in different constitutions to define the qualifications of electors, means substantially the same thing; and, in general, one is an inhabitant, resident, or citizen at the place where he has his domicile or home. But the terms "resident" and "inhabitant" have also been held not synonymous, the latter implying a more fixed and permanent abode than the former, and importing privileges and duties to which a mere resident would not be subject. A corporation can be an inhabitant only in the state of its incorporation. *Sperry Products v. Association of American Railroads*, C.C.A.N.Y., 132 F.2d 408, 411. See also Domicile; Residence.

First Judiciary Act of 1789

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, or the circuit court sitting within the district, at the pleasure of either; and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies before the judge of the district court to the United States, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B., do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of _____ under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of _____, during my continuance in said office, and take only my lawful fees. So help me God."