

TREATISE

ON THE

ORGANIZATION JURISDICTION AND PRACTICE

OF THE

COURTS OF THE UNITED STATES

BY ALFRED CONKLING

THIRD EDITION REVISED AND CORRECTED.

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Entered according to act of Congress, in the year eighteen hundred and forty-two, by

ALFRED CONKLING,

In the Clerk's Office of the District Court of the Northern District of New-York.

Entered according to act of Congress, in the year eighteen hundred and fifty-six, by

ALFRED CONKLING,

In the Clerk's Office of the District Court of the Northern District of New-York.

P R E F A C E .

Since the last edition of this work, several acts of Congress have been passed, and many decisions have been made by the Supreme Court of the United States, essentially affecting the subjects of which it treats, and requiring many modifications and very numerous additions.

These changes have accordingly been introduced, and have unavoidably led to a considerable enlargement of the work. It is proper to add, however, that the great additional number of pages is mainly attributable to the larger type which it was the pleasure of the publishers and proprietors of this edition to employ. No one, by an examination of the work, however critical, can become more sensible than the author is, of its imperfections. He ventures, nevertheless, to cherish the hope, that in its improved state, it will continue to be, as he has so many flattering assurances it has heretofore been found, eminently useful to such of his professional brethren as undertake the management of causes in the national courts.

The dedication prefixed to the second edition is retained as none the less due to a distinguished Judge, associate and friend, because he has passed from the stage, and the place once so ably, faithfully, and honorably filled by him is now occupied by another.

TO THE

HON. SMITH THOMPSON,

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE
UNITED STATES.

SIR.—I desire to dedicate this work to you. Its design is to shed light upon the jurisprudence of the United States, and to guide the inexperienced practitioner in the national courts.

I know not, indeed, to whom it could with more propriety be inscribed, than to a citizen of my own native state, who, after contributing largely, as a judge of her highest courts, to the great work of developing, illustrating and perfecting the principles of her jurisprudence, has devoted the energies of a powerful, disciplined and upright mind, for eighteen years, to the faithful and successful performance of similar labors in the highest judicial tribunals of the nation.

But in addition to that high respect for your public character and services which in common with the rest of your fellow-citizens, I have long entertained, I am actuated no less by other sentiments of more recent birth.

It has been my good fortune during the last few years, to be intimately associated with you as a judge of the Circuit Court of the United States. I have thus for the first time enjoyed a favorable opportunity fully to learn and justly to appreciate your claims to *unalloyed esteem and affectionate regard*.

I employ, therefore, but the simple language of truth when I add, that

I am most cordially and devotedly,
as well as most respectfully yours,

ALFRED CONKLING.

MELROSE, near Auburn.

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