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Judicial districts of Texas.

50TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1007.

JUDICIAL DISTRICTS OF TEXAS.

MARCH 10, 1888.—Referred to the House Calendar and ordered to be printed.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 1874.]

The Committee on the Judiciary have had under consideration House bill No. 1874, and recommend its passage with certain amendments herewith reported.

This bill relates to criminal jurisdiction over the Chickasaw and part of the Choctaw Nations, and to the establishment of an additional division in the eastern and northern judicial districts of Texas, and upon consideration thereof the committee reached the following conclusions:

(1) That all of the Chickasaw Nation in the Indian Territory and a part of the Choctaw Nation, hereafter described, should be detached from the western district of Arkansas and attached to the eastern and northern judicial districts for the State of Texas.

(2) That a part of the Choctaw Nation and all of the Chickasaw Nation in the Indian Territory should be attached to the northern judicial district, and said territory, together with the county of Grayson, in the State of Texas, should constitute a new division of the northern judicial district.

(3) That the counties of Lamar, Delta, and Fannin, in the State of Texas, ought to be detached from the northern judicial district and attached to the eastern judicial district of the State of Texas, and said counties and the county of Red River, in said State, together with the balance of the Choctaw Nation detached from the western judicial district of the State of Arkansas, should constitute a new division of the eastern judicial district of Texas.

(4) That terms of the circuit and district courts of the United States for the eastern judicial district of the State of Texas should be held at the city of Paris, in the said county of Lamar, and that all process, civil and criminal, cognizable before said courts, respectively, issued against persons residing in the said counties of Lamar, Fannin, Delta, and Red River, should be returnable to said courts to be held at said city of Paris, and that the district and circuit courts of the United States to be holden at Paris should have original and exclusive jurisdiction of all offenses against the laws of the United States now or which may hereafter be of force in the Indian Territory, committed within that portion of the Choctaw Nation attached to the eastern judicial district for the State of Texas.

(5) That terms of the circuit and district courts of the United States for the northern judicial district for the State of Texas as should be held at the city of Denison, in the said county of Grayson, and that all process, civil and criminal, cognizable before said courts, respectively, issued against persons residing in said county of Grayson, should be

made returnable to the said courts, to be holden at the city of Denison, and that the courts to be holden at Denison should have original and exclusive jurisdiction of all offenses against the laws of the United States committed within the Chickasaw Nation and that part of the Choctaw Nation attached to the northern judicial district for the State of Texas.

Some of the controlling reasons that induce the committee to arrive at the foregoing conclusions will now be briefly stated.

The Federal court for the western judicial district for the State of Arkansas, held at the city of Fort Smith, now exercises jurisdiction over eighteen counties of the State of Arkansas, and over the whole territory of the Indian nations, occupied by the five civilized nations, viz, Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws. The Chickasaw and Choctaw Nations lie north of the State of Texas and contiguous thereto; and their social and commercial intercourse are with the people of north Texas, and have always been since the earliest settlement of the respective countries.

The Chickasaw and that part of the Choctaw Nation which is proposed to be attached to Texas for judicial purposes have no commercial intercourse with the people of Arkansas. The average distance of travel from the Chickasaw Nation to Fort Smith, where the Federal court is held, is estimated to be not less than 250 miles by land, or 500 miles by railroad; and the same may be said of the southern part of the Choctaw Nation, which is proposed to be attached to Texas. The loss of time, expense, and inconvenience incurred by litigants, witnesses, and other persons residing in these localities who may be required to attend the court at Fort Smith, strongly impress your committee that it is the duty of Congress to provide more convenient and accessible places for holding the courts which exercise jurisdiction over the Territory.

There is, besides, no doubt in the minds of the members of your committee that the remoteness of the territory proposed to be attached to Texas from Fort Smith, where the conrts are now held, encourages violations of the laws of the United States. The difficulty of procuring process aids offenders in escaping arrest, and, if arrested, the inconvenience, expense, and loss of time to be incurred by witnesses in attending the court at Fort Smith often induce witnesses to avoid the duty and permit the law to go unexecuted. The people of this territory sought to be attached to Texas are practically denied the means of enforcing the law and maintaining order. There is another consideration in this respect which has attracted the attention of the committee, and doubtless will secure the attention of Congress. We allude to the enormous expense of the Federal courts at Fort Smith. No charge of improper conduct on the part of the officers has been brought to the attention of the committee, and we believe that the expenditure of public money in the western district of Arkansas in such unusual amounts may be properly attributed to the large territory over which the courts exercise jurisdiction and the inaccessibility of Fort Smith by railroad and otherwise to a large portion of that territory, and especially to that section of the territory proposed to be attached to Texas.

The committee believe that, while the people would be greatly benefited by the proposed change of the law in respect to their convenience, loss of time, expenses, and surer means of enforcing the laws and preserving order, the Government would save large sums of money now unnecessarily if not uselessly expended. By reference to the report of the Attorney-General it appears that the expenses of the United States courts for the western district of Arkansas for the year 1882, and paid in the fiscal year 1883, amounted to $156,943.20—nearly $50,000 more

than was expended in any other judicial district in the United States for the same time. In the eastern district of Arkansas only $48,075.67 was expended during that year, and that sum is not far from the average amount expended by all the other districts. It is therefore apparent that the bulk of the expenditures in the western district of Arkansas was on account of the jurisdiction of the courts over the Indian Territory. There can be but little doubt in the minds of any one who will examine the map and consider the lines of travel from the remote sections of the Indian Territory to Fort Smith that much of such expenditures is wholly unnecessary and will be avoided by the changes proposed by the substitute reported by the committee.

The propositions before the committee not only contemplate a re-adjustment and change of Federal jurisdiction over the Chickasaw and part of the Choctaw Nations, but a re-adjustment and change of Federal jurisdiction as respects the counties of Red River, Lamar, Fannin, Delta, and Grayson, in the State of Texas. In view of what the committee believed to be an urgent necessity, to change the Federal jurisdiction as respects the Indian Territory, and in order to adopt the best plan to effect that object properly, it became necessary to ascertain where the court should be located in Texas which should exercise that jurisdiction, and whether, in selecting such location, the claims of the people residing in the counties named for a more equitable and convenient arrangement of Federal jurisdiction might not at the same time be accommodated.

It appeared to your committee, in view of the area of population and business relatively of the eastern and northern districts of the State of Texas, that those districts were unequally and inequitably organized. The labor required of the judge of the northern district is much greater than that required of the judge of the eastern district. It was therefore deemed unjust to the people of that district and to the judge to add additional territory to it by attaching the Indian Territory, unless a re-adjustment of the eastern and northern districts could be so far effected as to secure a reasonable equalization of the labors of the judges, and at the same time promote the convenience of the people who reside in the countries referred to.

The committee believe that the only just and fair method in which to adjust and settle the various conflicts of interests and convenience which have arisen out of the subject-matter before it is set forth in the second and third conclusions of the committee, as hereinbefore stated. That method will largely promote the convenience of the people who reside in the counties of Red River, Lamar, Delta, Fannin, and Grayson, without injury to any interest proper to be considered when providing courts for the convenience of the people. It leaves the northern district with sufficient population and business to employ all the time of the judge of that district, and adds no more to the labors of the judge of the eastern district than should be added. It tends to equalize the labors of the officers of the districts. It gives to the Indian population the best facilities for enforcing law and preserving order which can be suggested, and fixes the locations of the courts which are to exercise jurisdiction over them at cities where they trade, and where their social, commercial, and business relations are already formed. The committee deem it proper to say that in selecting the places at which to hold the courts it was guided alone by considerations involving the convenience of the greatest number of people who are to be affected by the jurisdiction of the courts if the measure proposed becomes a law.