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Jurisdiction of United States Court for Western District of Arkansas. Letter from the Attorney-General, calling attention to a question of jurisdiction in the United States Court for the Western District of Arkansas, and recommending legislation.

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JURISDICTION OF UNITED STATES COURT FOR WESTERN
DISTRICT OF ARKANSAS.

LETTER

FROM

THE ATTORNEY-GENERAL,

CALLING ATTENTION TO

A QUESTION OF JURISDICTION IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF ARKANSAS, AND RECOM-
MENDING LEGISLATION.

JULY 12, 1897.—Referred to the Committee on the Judiciary and ordered to be
printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., July 7, 1897.

SIR: The Hon. John H. Rogers, United States district judge for the
western district of Arkansas, in a recent letter to this Department,
said:

On receipt of your letter of recent date in regard to arresting parties on warrants
from this court issued upon indictments found prior to the 1st of September last,
in cases where the defendants had not been apprehended, I have directed the clerk
to issue no more warrants on such indictments, and it is not probable that the ques-
tion presented as to whether this court would have jurisdiction to try those cases
will, under the circumstances, ever be brought before this court for determination.
I am informed by the clerk that there are about 700 indictments belonging to the
class named in this court. It seems to me that if it can be done these indictments
ought to be transferred to the several courts in the Indian Territory having juris-
diction of the cases. This would, of course, require legislation, and I simply men-
tion the matter that it might be called to your attention and, if you think proper,
that the special attention of Congress may be called to the same.

By section 9 of an act approved March 1, 1895, and entitled "An act
to provide for the appointment of additional judges of the United States
court in the Indian Territory, and for other purposes," it is provided:

That the United States court in the Indian Territory shall have exclusive origi-
nal jurisdiction of all offenses committed in said Territory, of which the United
States court in the Indian Territory now has jurisdiction, and after the first day of
September, eighteen hundred and ninety-six, shall have exclusive original jurisdic-
tion of all offenses against the laws of the United States, committed in said Territory,
except such cases as the United States court at Paris, Texas, Fort Smith, Arkansas,
and Fort Scott, Kansas, shall have acquired jurisdiction of before that time; and
shall have such original jurisdiction of civil cases as is now vested in the United
States court in the Indian Territory, and appellate jurisdiction of all cases tried
before said commissioners, acting as justice of the peace, where the amount of the
judgment exceeds twenty dollars.

All laws heretofore enacted conferring jurisdiction upon United States courts held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, as defined by law, as to offenses committed in said Indian Territory, as herein provided, are hereby repealed, to take effect on September first, eighteen hundred and ninety-six; and the jurisdiction now conferred by law upon said courts is hereby given from and after the date aforesaid to the United States court in the Indian Territory.

Provided, That in all criminal cases where said courts outside of the Indian Territory shall have, on September first, eighteen hundred and ninety-six, acquired jurisdiction, they shall retain jurisdiction to try and finally dispose of such cases. Every case, civil or criminal, pending in the United States court in the Indian Territory shall be tried and disposed of by the court where the same is pending, unless the venue therein be changed, as herein provided.

The question has arisen whether the district court for the western district of Arkansas has jurisdiction to try a person who prior to September 1, 1896, committed a crime in the Indian Territory and was committed by said court prior to September 1, 1896, but was not arrested prior to that date. It is noticed that the judge says he is "informed by the clerk that there are about 700 indictments belonging to the class named" in his court.

This matter is called to your attention in order that the proper action may be taken thereon.

Respectfully,

JOSEPH MCKENNA,
Attorney-General.

HON. THOMAS B. REED,
Speaker of the House of Representatives.