

45th Congress

1st session

H. R. 614.

In the House of Representatives

October 29, 1877.

Read twice, referred to the Committee on the Judiciary,
and ordered to be printed.

Mr. Hunter, on leave, introduced the following bill:

A. Bill

To establish the judicial district of Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian country bounded as follows, to wit, north by the State of Kansas; east by the States of Missouri and Arkansas; south by the State of Texas; and west by the State of Texas and the Territory of New Mexico, shall hereafter constitute a judicial district, to be called the district of Oklahoma, within which a district court is established, and a district judge, attorney, and marshal shall be appointed for said district aforesaid, by the President of the United States, by and with the advice of and consent of the Senate. The judge of said district shall receive a salary of three thousand and five hundred dollars per annum.

Sec 2. That the district court of the United States for the district of Oklahoma, hereby established,

in addition to the ordinary jurisdiction, the powers of a district court, shall, within the limits of its district, have jurisdiction of all cases, civil and criminal, wherein one of the parties shall be a citizen of the United States, as plaintiff or defendant. Provided: That in any civil suit the amount in controversy shall not be less than two hundred and fifty dollars. And provided further, That in all civil suits wherein the amount in controversy shall be less than two hundred and fifty dollars, the United States Indian agent for the Union agency, or any officer of the United States who may be hereafter directed to act, as such, shall have original and exclusive jurisdiction to hear and determine the same.

Sec 3 That the judge of the district court of Oklahoma shall hold two terms of said court in each year at Fort Gibson, in the Cherokee Nation, on the first Monday in May and November; and he is hereby authorized and directed to hold such other special sessions as may be necessary for the dispatch of the cases in said court at such time or times as he may deem expedient, and may adjourn such special sessions to any other time previous to a regular term.

Sec 4 That a clerk of each of said courts shall be appointed in like manner as other clerks of the district courts of the United States are appointed, who shall reside and keep their offices at said place of holding said courts; and such clerks and the attorney and

the duties, be subject to the disabilities, and receive the same fees and compensation as the like officers of the western districts of Arkansas. Before entering upon their duties, the marshal and clerk shall severally give bond, conditioned as provided by law, with sureties to be approved by the judge of the said district, and in the sum of twenty thousand dollars.

Sec 5 That the public buildings of the United States in said district not required for military purposes shall be used, if practicable, for courts rooms and offices, and shall be under the charge of the marshal, subject to the order of the judge.

Sec 6 That male residents of the district being citizens of the United States, and male members of such persons being over twenty-one years of age, shall be competent to serve as jurors in said courts, but shall be subject to such exemptions and challenges as are provided by law.

Sec 7 That jurors in both civil and criminal cases shall be selected as follows: The district court at its several terms shall select three jury-commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury.

Sec 8 That the same persons shall not act as jury-commissioners more than once in the same year.

Sec 9 That the judge shall administer to the

"required of you as jury-commissioners; that you
"will not knowingly select any one as jurymen
"whom you believe unfit and not qualified; that
"you will not make known to any one the name of
"any jurymen selected by you and reported on your
"list - to be sworn until after the commencement of the
"next term of this court; that you will not, directly
"or indirectly, converse with any one selected by you as
"a jurymen concerning the merits of any suit to be
"tried at the next term of this court, until after
"said cause may be tried or continued, or the jury
"be discharged."
Sec 10 That the jury-commissioners, after
they have organized and been sworn, shall retire to
a jury-room, or some other apartment designated
by the judge.
Sec 11 That they shall keep free from the in-
trusion of any person, and shall not separate with-
out leave of the court until they shall have com-
pleted the duties required of them.
Sec 12 That they shall select from the male
residents of the district such number of qualified
persons as the court shall designate to serve them
fifty, free from all legal exceptions, of fair
character and approved integrity; of sound judy-
ment and reasonable information, to serve as grand
jurors at the next term of the court; shall write
the names of such persons on separate pieces of paper, of

and fold the same so that the name thereon may not be seen.

Sec 13 That the names so written and folded shall then be deposited in a box, and, after they shall be shaken and well mixed, the commissioner shall draw from said box the names of twenty-three persons, one by one, and record the same as drawn, which record shall be certified and signed by them, and indorsed "List of grand jurors."

Sec 14 That said commissioners shall then proceed to draw in like manner nine other names, which shall be recorded in like manner on another piece of paper, and which shall be certified and signed by the commissioners, and indorsed "List of alternate grand jurors."

Sec 15 That the two lists shall be inclosed and sealed so that the contents cannot be seen, and indorsed "List of grand jurors", designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court.

Sec 16 That the commissioners shall also select, from the male residents of the district, such number of persons as the court shall direct, not less than sixty, possessing the qualifications prescribed in section twelve, to serve as petit jurors at the next term of the court; and shall draw and make a list of

shall be returned: & cost of post-jurors, and
term of the court for which they are to serve, with
indorsement shall be signed by the commissioners.

Sec 15 That the judge shall deliver the lists to
the clerk in open court, and administer to the clerk
and his deputies the following oath:

"You do swear that you will not open the juries-
lists now delivered to you until the time provided
by law; that you will not, directly or indirectly,
converse with any one selected as a juror con-
cerning any suit pending and for trial in this
court at the next term, unless by leave of the court"

Sec 18 That within thirty days before the next
term, and not before, the clerk shall open the envelopes,
and make out a fair copy of the lists of grand
jurors and a fair copy of the lists of associate
jurors and a fair copy of petit jurors and a
fair list of alternate petit jurors, and give the
same to the marshal or his deputy, who shall as-
sent the first day of the first day of the next
term, deliver the persons named as grand and
petit-jurors and associate grand and petit-jurors,
to attend on the first day of said term as grand
and petit-jurors. By giving personal notice to each
or by leaving a written notice at the juror's place
of residence with some person over the years of age.

Sec 19 That the marshal shall return said lists
with a statement in writing of the date and manner

See 20 That if any juror or alternat^e legally summoned shall fail to attend he may be fined or committed as for contempt.

See 21 That if there shall not be a sufficient number of competent grand and petit jurors and ~~and~~ returned present and not excused to form a grand and petit jury, the court may compel the attendance of absentees on order by return to be summoned to complete the jurie.

See 22 That if for any cause the jury-commissioners shall not appoint or shall fail to select a grand or petit jury as provided, or the jurors selected be set aside, or the jury-list returned in court shall be found on default, the court shall order the non-shall to summon a grand and petit jury of the proper number from the body of the district, who shall attend and perform the duties thereof respectively as if they had been regularly selected.

See 23 That if a jury for the trial of any case cannot be obtained out of said panel of regular petit jurors, by return shall be summoned as the court may direct, to complete such jury.

See 24 That the fee or salaries of the petit jurors, interpreters, and witnesses, before said district court herein stated, shall be the same as is provided for said costs in the other district courts of the United States.

See 25 That the circuit court in and for the eastern district of Kansas shall exercise appellate and

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Box 7, Holdrege, 18

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