
TERM OF COURT AT FAYETTEVILLE, N. C.

MAY 23, 1924.—Referred to the House Calendar and ordered to be printed

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 9314]

The Committee on the Judiciary, to whom was referred the bill H. R. 9314, after considering same, report favorably thereon with the recommendation that the bill do pass.

This bill merely provides that hereafter terms of the United States District Court for the Eastern District of North Carolina shall be held at Fayetteville instead of Laurinburg. The bill has the approval of the Department of Justice and the district judge and the district attorney for the district involved, and it appears that the change will entail no additional expense to the Government.

There is printed herewith as a part of this report the communication received from the Department of Justice indorsing this legislation, and it will be noted that the changes suggested therein have been made in the bill which the committee has reported.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 8, 1924.

HON. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Answering your letter of March 15, 1924, with respect to H. R. 6196, a bill to amend section 93 of the Judicial Code:

The department favors the change provided in the bill, of holding Federal court at Fayetteville in the place of Laurinburg, N. C., and the Director of the Bureau of the Budget has informed us that "a favorable report with respect to this bill is not in conflict with the financial program of the President."

The department has, however, noted certain apparent errors in the bill as drawn, which have also been cited by United States District Judge Henry G. Connor in a letter of March 29, 1924, and by United States Attorney Irvin B. Tucker, in one of April 1, 1924, copies of which correspondence are inclosed.

Very truly yours,

JAMES W. BECK,
Acting Attorney General.

OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF NORTH CAROLINA,
Raleigh, N. C., April 1, 1924.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Yours of March 25, in reference to H. R. 6196, a bill introduced in the House of Representatives by Mr. Lyon to amend section 98 of the Judicial Code, has received my careful attention.

The object of the bill is to abolish the term of district court at Laurinburg, N. C., and substitute in lieu thereof terms at Fayetteville and, in addition, provide means for conducting the many prosecutions and other litigation arising at Fort Bragg with the very least possible interference with the officers and men at this military establishment.

Laurinburg has no facilities for holding United States district court and no prospect of having any. Fayetteville is a much larger place, more centrally located, in every way better suited for the court, and has good prospect for an additional story being added to the Federal building, making adequate provisions for a court room.

However, I note the following changes which should be made in the bill: The words "after the fourth Mondays," on page 2, line 15, thereof should be stricken out.

The words "and in addition for the trial of civil cases," on page 2, line 16, thereof should be stricken out and the following inserted in lieu thereof: "and at Raleigh on the fourth Mondays after the fourth Mondays in April and October; and additional terms for the trial of civil cases shall be held at Raleigh."

It will be noted that the bill as drawn abolishes both the criminal and civil terms at Raleigh, which, of course, was not intended, and the changes above suggested reestablishes these terms without change.

Also the word "Washington" should be stricken from lines 18 and 25, and the syllable "Wash." from line 20, and the syllables "ington" from line 20.

These changes are suggested on account of the fact that Washington now has ample facilities in the way of a Government building for taking care of the district court, which has been in use for this purpose for some time.

I heartily approve and recommend the bill with these changes.

Very respectfully,

IRVIN B. TUCKER,
United States Attorney.

UNITED STATES COURT,
EASTERN DISTRICT OF NORTH CAROLINA,
Raleigh, N. C., March 29, 1924.

The ATTORNEY GENERAL,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: Acknowledging receipt of your letter of the 25th instant requesting my opinion as to the merits or desirability of the legislation proposed in House Resolution 6196, copy of which is inclosed, I would say that the only change made in the present status in regard to the courts in this district is found in the eighth and ninth lines providing that "a court shall be held at Fayetteville on the Monday before the last Mondays in March and September." This term of the court is now held at Laurinburg. I have no objection to the change. There is but little business at Laurinburg and it is not well located in respect to railroad connection. While I would not have taken the initiative in asking for the change, I do not object to it. Fayetteville is better located in respect to railroad connections and courthouse facilities. It covers about the same territory.

I note in line 17, beginning with the word "provided that the city of Washington," etc., shall provide and furnish at its own expense a suitable and convenient place for holding the district court, etc. I note also that this provision is in the present statute. This is the result of an oversight in reenacting the statute establishing the court at Washington. The Government owns a very convenient, and, in all respects, suitable building in which the post office is located and the second floor devoted to the court and its officers. If the bill passes into a statute I would suggest that the words "at Washington" be stricken out.

I am, with assurances of my kind regards,
Very sincerely yours,

H. G. CONNOR,
United States District Judge.