

## AMEND LAWS RELATING TO THE JUDICIARY.

JULY 16, 1912.—Ordered to be printed.

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

### REPORT.

[To accompany H. R. 17595.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," report favorably thereon with amendments, as follows:

Page 3, line 8, after the word "circuit," insert the following words: "The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act."

Page 3, line 9, strike out all of section 3.

The report of the House committee thereon, which fully explains the purposes and necessities of the proposed legislation, is hereto attached and made a part of this report.

The House report is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," having fully considered the same, report thereon with the recommendation that said bill do pass.

The committee beg leave to submit to the House the considerations which induced the committee to recommend the passage of the bill, in which recommendations the committee was unanimous.

There are at present four circuit-court judgeships for the seventh circuit, consisting of Indiana, Illinois, and Wisconsin. Circuit Judge Grosscup has resigned, leaving a vacancy in a circuit-court judgeship.

Since January 1, 1912, all circuit-court judges become judges of the circuit court of appeals, which court consists of three judges. During the last three years there have been in the circuit court of appeals for the said circuit 321 cases docketed, of which 34

cases were dismissed by consent, 53 cases affirmed or dismissed without written opinions, and 198 opinions were rendered in the said three years. This is at the rate of 66 opinions a year.

In the last year in the eastern district of the northern division of the State of Illinois, in which Chicago is situate, and in which district there are but two district judges, it has been necessary to call in the assistance of Judge Sanborn, of Wisconsin, Judge Humphrey, of Springfield, Ill., and Judge Anderson, of Indiana, and these judges during the last year held court 156 days. With the increase in the jurisdiction of the district judges under the act of March 3, 1911, which went into effect January 1, 1912, commonly known as the judicial code, all nisi prius matters will come before the district-court judges; chancery, common law, admiralty, bankruptcy, and all statutory and criminal proceedings.

Furthermore, one of the judges of the Commerce Court appointed from the seventh district may be assigned to circuit-court duty in case a need should arise at the end of next year. The committee is of the opinion that there is a greater need for three district-court judges for the said district than for four circuit-court judges, and that therefore the abolition of one circuit-court judgeship and the creation of one district court judgeship will be a step toward the more rapid administration of justice.

The committee has also ascertained that the Bar Association of Chicago, the two sitting district judges, and the press of the city are all of the opinion that the bill should pass.

The committee therefore, having carefully considered the entire question, recommend that the bill do pass.

Amend the title so as to read as follows: "To amend sections 1 and 118 of the act of March 3, 1911, entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' as amended January 13, 1912."

The committee recommend that the bill as so amended do pass.

