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## FEEES OF JURORS AND WITNESSES

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FEBRUARY 17, 1926.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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MR. GRAHAM, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 120]

The Committee on the Judiciary, to whom was referred the bill H. R. 120, after hearing and consideration, report the same with amendments and recommend that the bill as amended do pass.

The Committee amendments are as follows:

Strike out all after the enacting clause and insert the following:

That jurors and witnesses (other than witnesses who are salaried employees of the Government, and detained witnesses) in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, who attend, including those attending before United States commissioners, shall be entitled to a per diem for each day of actual attendance, and for each day necessarily occupied in traveling to attend court, or upon the commissioner, and return home, and, in addition, mileage as hereinafter provided.

SEC. 2. Jurors attending in such courts, or before such United States commissioners, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same \$4, and 5 cents per mile for going from his or her place of residence to the place of trial or hearing and 5 cents per mile for returning.

SEC. 3. Witnesses attending in such courts, or before such commissioners, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same \$2, and 5 cents per mile for going from his or her place of residence to the place of trial or hearing, and 5 cents per mile for returning: *Provided*, That witnesses (other than witnesses who are salaried employees of the Government, and detained witnesses) in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, who attend court or attend before United States commissioners, at points so far removed from their respective residences as to prohibit return thereto from day to day, shall, when this fact is certified to in the order of the court or the commissioner for payment, be entitled, in addition to the compensation provided by existing law, as modified by this act, to a per diem of \$3 for expenses of subsistence for each day of actual attendance, and for each day necessarily occupied in traveling to attend court and return home.

SEC. 4. Jurors and witnesses in the United States courts, or before a United States commissioner, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall receive for each day's attendance and for mileage the same fees as jurors and witnesses as herein provided.

SEC. 5. All laws or parts of laws in so far as they are in conflict with the provisions of this act are hereby repealed. This act to be effective thirty days after its approval.

Amend the title to read as follows:

Fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia.

This bill as amended increases the per diem pay of jurors from \$3 to \$4. Under the present law jurors are entitled to receive \$3 per day for actual attendance at any court and for the time necessarily occupied in going to and returning from the same. They are also entitled to mileage at the rate of 5 cents per mile. (Rev. Stats. sec. 852, and act of June 1, 1922, ch. 1138; 32 Stats. 396.)

The bill also increases the per diem pay of witnesses from \$1.50 to \$2, with the added provision that witnesses who attend court at points so far removed from their residences as to prohibit their return from day to day shall, when this fact is certified to by the United States judge or commissioner, be entitled in addition to the compensation provided by existing law as modified by this act, to a per diem of \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home.

The bill also removes the discrimination in the present law against witnesses and permits them to receive per diem compensation for the time necessarily consumed in going to and returning from the court. Under the present law jurors are, but witnesses are not, paid for the time necessarily consumed in going to and returning from court. (Rev. Stats. 848.)

The Attorney General has repeatedly recommended the enactment of legislation providing for increased compensation to jurors and witnesses. In a letter addressed to the committee on January 28, 1926, the Attorney General said "that this department regarded existing provisions of law relating to compensation and allowances to jurors and witnesses as unjust and inadequate and as tending to jeopardize the success of criminal prosecutions."

Many of the Federal judges have expressed themselves strongly in favor of this legislation. Excerpts from their communications will be found in the hearings on this bill (Serial 5). The bill is also recommended by many United States attorneys and United States marshals.

While no attempt has been made in this bill to pay jurors or witnesses a sum that would be a remuneration for the time which they give to the courts in aid of the administration of justice, the committee sought to fix a sum that would relieve the situation which at present exists. Formerly there was nothing paid either to witnesses or jurors. Service as a juror is a public duty and the juror is expected to make a sacrifice in discharge of his patriotic obligation as a good citizen. Likewise, every man owes a duty to society to testify as to facts within his knowledge in connection with matters

in litigation, even though it involves a personal sacrifice. The reciprocal obligation resting upon every citizen furnishes a compensation. It is one man's duty to-day and his neighbor's to-morrow.

This bill does not provide compensation nor give a bounty for jury service or service as witnesses, but merely provides fees that will approximately take care of necessary expenses. The fees fixed were arrived at after much discussion and careful deliberation. The fixing of an amount is not an easy task. The result as declared in the bill is regarded as a prudent adjustment.



1875  
The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the American Society for the Advancement of Science, held at the University of California, Berkeley, California, on the 15th day of June, 1875.

Prof. J. D. Dana, President  
Prof. W. H. Brewer, Secretary  
Prof. J. W. Foster, Treasurer  
Prof. J. S. Giddings, Jr., Secretary  
Prof. J. S. Giddings, Jr., Treasurer  
Prof. J. S. Giddings, Jr., Secretary  
Prof. J. S. Giddings, Jr., Treasurer  
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