

5-26-1884

## Eastern and Northern Judicial Districts of Texas

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### Recommended Citation

S. Rep. No. 575, 48th Cong., 1st Sess. (1884)

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IN THE SENATE OF THE UNITED STATES.

MAY 26, 1884.—Ordered to be printed.

Mr. VEST, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill H. R. 6074.]

*The Committee on Territories, to whom was referred the bill (H. R. 6074) entitled "An act to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes," beg leave to submit the following report :*

The bill provides in its first section that the counties of Lamar, Fannin, and Delta, in the State of Texas, shall be detached from the northern judicial district of that State, and be attached to the eastern judicial district; and the second section provides that part of the Indian Territory included within the counties of Towson, Red River, Cedar, Wade, Neshoba, Eagle, and Boktulo, comprising the second judicial district of the Choctaw Nation, and the county of Kiamitia in said nation, be attached for judicial purposes to the eastern judicial district of Texas.

The third section provides that the counties of Lamar, Fannin, Red River, and Delta, of the State of Texas, and all that part of the Choctaw Nation attached to the eastern judicial district of Texas, by the bill, shall constitute a division of said district, and that terms of the circuit and district courts of the United States for the eastern district of Texas shall be held twice each year in the town of Paris, Lamar County, Texas., said courts to have exclusive original jurisdiction of all offenses committed against the laws of the United States within that part of the Choctaw Nation attached by the bill to the eastern judicial district of Texas.

The sixth section of the bill attaches that part of the Indian Territory occupied by the Chickasaw Nation and the counties of Gains and Tobacco, in the first judicial district, and the counties of Blue, Atoka, and Jack's Forks, of the third judicial district of the Choctaw Nation, to the northern judicial district of Texas for judicial purposes; and the seventh section provides that those parts of the Indian Territory with the counties of Grayson, Montague, and Cooke, in the State of Texas, shall constitute a division of the northern judicial district of Texas. Terms of the circuit and district courts of the United States are to be held twice each year in Denison, Grayson County, Texas, and said courts are to exercise exclusive original jurisdiction of all offenses against the laws of the United States committed within the portions of the Indian Territory attached to said northern judicial district of Texas as before stated.

The anomalous condition of the Five Civilized Tribes of Indians living in the Indian Territory, their rapid advance towards civilization, the treaty stipulations between them and the United States, and the earnest desire of all just and humane minds that this advance should not be retarded, or the spirit of these treaties violated, give to the bill before us the greatest importance and interest.

In 1866, at the close of the war, the Creeks, Cherokees, Choctaws, and Chickasaws, having joined the Confederate States during hostilities, were compelled to make new treaties with the United States, in each of which will be found provisions for the administration of justice within the Indian Territory, in such manner as the United States might determine. The form of expression varies in the different treaties, it being expressly provided in the treaty with the Cherokees for the establishing a United States court, whilst in the other treaties it is provided that the United States may enact such laws as may be necessary to secure the administration of justice and the protection of life and property within the Territory; but the intent is manifest throughout all the treaties, and has never been questioned, except from interested or sinister motives, that the United States should have the right to determine upon the manner of administering justice within the Indian Territory, and the means of attaining that end.

So clearly was this understood by all parties, and especially by the Indians, that when a committee of the Senate visited the Indian Territory a few years after the war, to examine into their condition, and ascertain their wishes upon questions affecting their welfare, the testimony was unvarying and unbroken that they wished for the establishment of a United States court within the Territory according to the treaties of 1866.

The object of the bill before us is to confer criminal jurisdiction over parts of the Indian Territory upon United States courts in Texas, and we are not without experience as to similar legislation.

In 1875 Congress gave to the United States district court, for the western district of Arkansas, criminal jurisdiction over all of the Indian Territory, and the result has not been such as to invite other experiments in the same direction.

It appears from the report of the Attorney-General that the expenses of the United States courts for the western district of Arkansas, for 1872, were \$156,943.20, nearly \$50,000 more than the amounts expended in any other district in the United States; and the same report shows that in the eastern district of Arkansas, for the same year, the judicial expenses were only \$48,075.67.

We are aware that one argument for the bill before us is, that the distance which must be traveled to reach the Texas courts from the parts of the Indian Territory over which their jurisdiction is to be extended, will be less than in attending the court at Fort Smith, Ark.; but this is not satisfactory, for the reason that the argument is, at best, only comparative, the fact still remaining that persons arrested must be carried long distances to either Paris or Denison, and always with the expense of guards and increased opportunities for escape.

The question of expense, however, is not the only one involved. There is another far more important consideration. The civilized tribes in the Indian Territory, whose interests are affected by this bill, are comparatively advanced in civilization, having legislatures, churches, and schools as have white communities. They are fast learning the first great lesson of civilization—self-support and self-reliance. Our purpose should be to encourage them in this direction by teaching them in every

way possible our laws, language, and modes of living. What could possibly conduce more to this than the establishing in their midst a United States court, the proceedings of which should be conducted in the English language, and in which they could be jurors, witnesses, and even officers?

So long as we treat the Indian as a dependent, helpless being, fit only to be used for the purpose of plunder and greed, we may expect the result which has attended our Indian policy for the last hundred years.

Instead of dragging them off to other States to be tried by juries made up of strangers, instead of impressing them with the idea that they are fit only for the punishment of the law, and not its administration, let us rather seek to learn them the self-respect which comes to freemen as both makers and administrators of the laws.

Impressed with these convictions, the committee have already reported to the Senate a bill (S. 209) establishing a United States court in the Indian Territory, with exclusive civil and criminal jurisdiction, and recommended its passage.

As the bill referred to the committee (H. R. 6074) conflicts in all its provisions with Senate bill 209, we report the former back to the Senate with the recommendation that it be indefinitely postponed.