

UNITED STATES DISTRICT COURT AT WICHITA, KANS.

JANUARY 25, 1881.—Referred to the House Calendar and ordered to be printed.

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

R E P O R T :

[To accompany bill H. R. 6464.]

*Your committee, to whom was referred the bill H. R. 5115, having had the same under consideration, beg leave to submit the following report :*

The bill in question contains two substantive propositions: 1st, the establishment of a term of court at Wichita, Kans., in the district of Kansas; 2d, it provides "that the provisions of the laws of the respective States and Territories in which are located Indian reservations relating to the crimes of murder, manslaughter, arson, rape, burglary, and robbery, shall be deemed and taken to be the law in force within such reservations, and the district courts of the United States within and for the respective districts in which said reservations may be located in any State, and the Territorial courts of the respective Territories in which such reservations may be located, shall have original jurisdiction over all such offenses which may be committed within such reservations"; and that the laws of the State of Kansas shall be in force in all that portion of the Indian Territory not set apart for the occupancy of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indian tribes.

Your committee did not deem it advisable for them to deal with the question of how far this bill if enacted into law would interfere with existing treaty stipulations with the various Indian tribes to be affected, and they find in the present statutes of the United States ample provisions for the punishment of the crimes enumerated in the bill.

Your committee find, therefore, that the evils sought to be remedied by this bill are found in no lack of law, but grow out of circumstances and conditions which render the enforcement of the law, especially in some portions of the Indian Territory, impracticable.

The United States district court located at Fort Smith, Ark., has at present exclusive jurisdiction over all offenses committed in the Indian Territory. The court is situated just over the extreme eastern line of the Territory, and is so remote from a large portion of the Territory that the officers of that court, by reason of a lack of railroad or telegraphic communication, are utterly unable in most cases to apprehend the violators of the law which infest those portions of the Territory that lie adjacent to Kansas and Texas. In most cases, before the information of a crime can be carried to Fort Smith, the perpetrator is beyond the reach of justice.

Your committee therefore report the accompanying substitute for bill

H. R. 5115, which provides for a division of the court jurisdiction of the Territory, attaching the eastern portion of it to the court located at Fort Smith, the southwestern portion of it to the northern district of Texas; the northwestern portion of it to the district of Kansas; causes arising therein are made triable at Fort Scott and Wichita, Kans., at which latter point a term of court for the trial of those causes is provided for.

The substitute changes no statute of the United States for the punishment of crimes, extends no new law over the Indian Territory, calls in question no Indian treaty stipulation, but it is hoped by your committee that the laws now upon the statute book may, under the provisions of this bill, be readily enforced.

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