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LEGISLATURE OF ARKANSAS.

FEBRUARY 24, 1826.

Mr. STRONG, from the Committee on the Territories, to which the subject had been referred, made the following

REPORT :

The Committee on the Territories, to whom was referred, on the 5th of January, 1826, the Memorial of the Legislature of Arkansas, make the following report :

That the Committee have examined the memorial. It appears that the Legislature of Arkansas wishes Congress to authorize, 1st. the appointment of a fourth Territorial Judge; 2d, the Territorial Legislature to compel the four Judges to perform circuit duties; and 3d, appeals and writs of error to be taken from the Superior Court of the Territory to the Supreme Court of the United States. The memorial states that the Legislature has divided the Territory into thirteen counties, and appointed three Circuit Judges; and that this creates an expense which the inhabitants of the Territory are not well able to bear. Pecuniary burthens are incident to self-government. Generally, three Judges in a Territory have been found competent to perform all the duties which an efficient administration of justice requires. More than three, we believe, have never been appointed, except in a few extraordinary cases. In 1814, when the Territory of Missouri included the Territory of Arkansas, an additional Judge was appointed for Missouri, who was to reside at the "village of Arkansas;" and to exercise jurisdiction over a portion, at least, if not over the whole, of what is now the Territory of Arkansas. In 1819, a fourth Judge was also given to the Territory of Michigan, who was to exercise jurisdiction over a district of country, extending from Michilimakinac to Prairie du Chien, a distance not much short of 800 miles. It is not on the score of distance and the delays of justice, but on the ground of expense merely, that Congress is now called upon to give a fourth Judge to Arkansas. However much the Committee may feel disposed to extend the protection of the Government to the people of Arkansas, still, as the inhabitants of that Territory have elected to take upon themselves a form of Government, which imposes upon them the burthen of supporting it, it would seem to be unjust, at the common expense, to relieve them from burthens, which others, perhaps, under less favorable circumstances, are compelled to bear.

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The Committee are inclined to believe that the Legislature of Arkansas has the power to direct the Judges of the Superior Court to hold Circuit Courts. The act of June 4, 1812, "providing for the Government of the Territory of Missouri," as modified by the act of 29th April, 1816, [chap. 155, vol. 6, pa. 135,] is revived, and applied to Arkansas, by the act of 21st April, 1820, entitled "An act relative to the Arkansas Territory." This last act declares that the act of 1812, as modified by the act of 1816, "shall be considered as applicable to the Government of the Territory of Arkansas, and shall have reference to the proceedings of the said Territory in the organization of the second grade of Territorial Government assumed by said Territory, under an act of Congress of the second of March, one thousand eight hundred and nineteen, establishing the Territory of Arkansas." And by the third section of the act of 1816, the General Assembly of the Territory is "authorized to require the Judges of the Superior Court of the said Territory to hold Superior and Circuit Courts, to appoint the times and places of holding the same," &c. It seems to have been intended that the Legislature of Arkansas should take the same powers which those acts conferred upon the General Assembly of Missouri; and if so, then no further legislation is necessary upon this subject.

Upon examining the laws, the Committee find that there is no right of appeal from the Superior Court of the Territory to the Supreme Court of the United States. They think that this should be allowed, in all cases, where the matter in controversy amounts to the value of 1000 dollars. The same has been allowed to the District of Columbia; and, as the law now stands, an appeal, &c. may be taken from each of the Superior Courts of Florida to the Supreme Court of the United States. The Committee, therefore, submit a bill extending the like privilege to Arkansas.