

Transcript of 1822 Act establishing special sessions of Territorial Superior Court, L.C. Gulley collection, Arkansas State Archives, Little Rock, Arkansas.

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An Act ~~reques~~ establishing special sessions ~~courts~~ of the ~~Oyer Aud Terminer~~ Superior Court

1 Section. Whereas the the Superior Court of the Territory has the sole power and Authority to try persons Accused of Any Offences, by law Made Capitol, and whereas those accused of such offences, ought to have a speedy and impartial trial by a Jury of the Vicinage; which cannot with convenience and Justice, either to the government or the accused, be had ~~unless~~ unless the judges of the Superior Court should hold special terms of their courts for the trail of such offenders, Be it therefore enacted by the General Assembly of the Territory of Arkansas That it shall be and is hereby made the duties of the Sheriffs of the Several Counties in this Territory, within fifteen days after any person shall be committed to his custody, charged with a Capitol Offence to transmit information thereof to the Governor of the Territory, stating therein the names, the time when and the Offence for which such person stands committed in his custody, whereupon it shall be the duty of the Governor, within ten days after he shall have received such information, to issue his proclamation, and publish the same, in one of the news paper published in this Territory, stating therein the information to by him received which proclamation so published shall be ~~deemed~~ deemed sufficient notification to the said Judges whose duty it shall be to open

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and hold a Special Superior Court for the trail of such offender or offenders in any of the several counties of this Territory, in which the offence may have been committed ~~on~~ at the same time and place at which the

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several judges of the Circuit Courts now are ~~do~~ or shall hereafter be held, provided nevertheless that if such proclamation shall be issued within thirty days of any of the Terms above specified for holding the said special Superior Court, in such county, there the said Special Superior Court shall not be held until the next following term thereafter and the said Judges shall meet at the same time and place appropriated by this act, and proceed to open and hold a term of the Superior Court for the Trial of such case or cases as aforesaid, and if they, find on the Trail that the offence committed, by the prisoner is less than a capitol offence, they shall nevertheless, try determined, and pronounce judgement, and order execution for such offences according to Laws; and said Court so met shall have power to adjourn from time to time and to hold adjourned courts for the trial of such criminal or criminals, and to procure the attendance of witnesses. And the

expence of notifying the Governors, by the Sheriff, and all other costs, shall be taxed and paid out of the criminal's estate if convicted, and such estate be sufficient to pay the same, but if the criminal be not convicted, or if convicted his estate should be insufficient to pay the costs, the same shall be paid out of the Territorial treasury

Section 2. And be it further enacted that it shall be the duty of the said Judges or any two of them to issue their precept directed to the Sherriff or Coroner (as the case may be) or the proper county in which such special court ~~is to be held~~ in ~~the~~ is to be held at least ~~at least~~ twenty days before the time of the holding of such Court, Commanding him to summon forty good and lawful men of his county, qualified by law to serve as grand and traverse

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Jurors at such Special Superior Court and the clerks of the Several Circuit Courts in which such Special Court shall be holden shall be ~~judges~~ ~~clerks of the~~ said sp ~~Superior~~ Courts so far as respects the said special court and shall record the proceedings of the said court and deliver the whole safe and undefaced to his successors in ~~offence~~ ~~office,~~ ~~who~~ ~~shall~~ perform the same duties and be entitled to the same fees as are by law allowed to the clerks of the clerks of the Superior Courts for similar services And any person so summoned to serve as a Juror or ~~such~~ ~~witness~~ who shall refuse or neglect to attend at the time and place of holding

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the said court to which they were summoned shall be subject to the same fines and ~~imprisonment~~ ~~penalties~~ as are by law inflicted for the omissions or neglects in the Superior Court, Provided always nevertheless that nothing herein contained shall be so deemed and construed as to deprive or take away any of the powers or duties of the Judges of the Superior Court, for the trial of any Capitol Offence or Offences committed in any of the counties in which the Superior Courts of the territory now are or hereafter shall be by ~~law~~ ~~law~~ directed to be held.

Sect 3. And be it further enacted that it shall be the duty, of the ~~United~~ ~~Attorney~~ of the United States for the Territory of Arkansas to attend said Special sessions or the said Superior Court and prosecute in behalf of the said United States. And in ~~case~~ the said Attorney of the United States shall neglect or omit to attend said Court, then and in that case it shall

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be the duty of the prosecuting Attorney of the district in which said Court shall be bound ~~[/strikethrough]~~ held ~~[/strikethrough]~~ to attend to and prosecute all and every case or cases which may be tried before said court

Sect 4th. And be it furth. enacted that this Act shall take effect in force from and after the first day of January next