

Syllabus.

The distinctions incident to this mode of trial have already been indicated. They are important, relating to the jurisdiction, and concerning the life and the liberty of the party, against whom a crime is charged. Whether a man shall be tried in the county where the offence was committed, or carried to some other county, perhaps hundreds of miles distant, is a matter of much consequence; it is of the venue of the trial. Whether he shall be tried by a jury summoned by the marshal of the United States from the whole Territory, or from a section of it, amounting possibly to one-third of its extent, or by a jury of the county in which the act was done by the sheriff of the county, is of much moment to him; so also as to whether he shall be indicted by a grand jury summoned to serve for the county, and residents of the county, or by such a body summoned from the whole Territory.

It is of consequence that in this new departure which Congress has made, of subjecting the Indians, in this limited class of cases, to the same laws which govern the whites within the Territories where they both reside, the Indian shall at least have all the advantages which may accrue from that change, which transfers him, as to the punishment for these crimes, from the jurisdiction of his own tribe to the jurisdiction of the government of the territory in which he lives.

We are of opinion that the writ of habeas corpus should issue as prayed for in this case; and it is so ordered.

CAPTAIN JACK, Petitioner.

ORIGINAL.

No. 8. Original. Argued March 18, 1889.—Decided April 15, 1889.

The facts that the petitioner in this case was sentenced to imprisonment in Ohio, and that the offence was committed within a judicial district instead of an Indian reservation, do not take this case out of the decision in *Gon-shay-ee's Case* just decided, *ante*, 343.

Syllabus.

PETITION for writ of *habeas corpus*. The case is stated in the opinion.

Mr. W. H. Lamar for petitioner. *Mr. S. F. Phillips* and *Mr. J. G. Zachry* were with him on the brief.

Mr. Solicitor General opposing.

MR. JUSTICE MILLER delivered the opinion of the court.

The only distinctions between this case and that of Gon-shay-ee, in which the opinion has just been delivered, are:

First. That Captain Jack was sentenced to imprisonment at hard labor in the penitentiary of Ohio for thirty years, and the writ must, therefore, be directed to the keeper of that institution at Columbus in that State.

Second. That it appears by the record that in the former case the offence was committed on an Indian reservation, while in the case of Captain Jack the act was done within the judicial district, but not upon such a reservation.

We do not consider that these differences have any influence in the decision of the question as to the jurisdiction of the court which tried them both, and that therefore in this case, as in the former, the writ of *habeas corpus* should issue.

Writ granted.

REYNES *v.* DUMONT.

DUMONT *v.* FRY.

APPEALS FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK.

Nos. 174, 175. Argued January 23, 24, 1889.—Decided April 8, 1889.

The controversy in this case involves the allowance in favor of the trustee in bankruptcy of S. of liens upon certain bonds, owned in fact by C. and D., though ostensibly belonging to C. only, as pledged to secure, by express agreement, the general balance of account of a New Orleans bank,