

1-6-1876

## Resolution of Senator Clayton

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IN THE SENATE OF THE UNITED STATES.

JANUARY 6, 1876.—Referred to the Committee on the Judiciary and ordered to be printed.

Mr. CLAYTON submitted the following

RESOLUTION:

Whereas it is well known that large sums of money are annually expended for the administration of justice in the western district of Arkansas; and

Whereas a very large proportion of such expense is incurred in the trial of persons arrested for minor offenses against the laws of the United States, committed in the Indian Territory; and

Whereas the cases of the class above mentioned are so numerous that it is impossible for the court in all cases to give such persons a speedy trial, thus causing great hardship to them by reason of their being taken long distances from their homes and denied such speedy trial as they have the right to demand; and

Whereas the several treaties between the United States and the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Nations of Indians, concluded in eighteen hundred and sixty-six, provide for the establishment of a United States court in the Indian country, commonly known as the Indian Territory, as follows, viz: The Cherokee treaty, article thirteenth: "The Cherokees also agree that a court or courts may be established by the United States in said Territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal causes arising within their country, in which members of the nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in the treaty." The Choctaw and Chickasaw treaty, article eighth, section eighth: "The Choctaws and Chickasaws also agree that a court or courts may be established in said Territory, with such jurisdiction and organization as Congress may prescribe: *Provided*, That the same shall not interfere with the local judiciary of either of said nations." The Creek treaty, article tenth: "The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: *Provided, however*, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs." "The Creeks also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide." The Seminole treaty, article seventh: "The Seminole Nation agree to such legislation as Congress and the President

deem necessary for the better administration of the rights of the person and property within\*the Indian Territory: *Provided, however,* That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs." "The Seminoles also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide:" Therefore,

*Resolved,* That the Committee on the Judiciary be instructed to inquire into the expediency of establishing one or more inferior courts in the Indian Territory for the trial of all minor offenses committed in said Territory, in cases where the Federal court now has jurisdiction, and shall embrace all offenses of petit-larceny where the property stolen shall not exceed twenty-five dollars in value, and all offenses arising from the introduction and sale of spirituous liquors in said Indian country.

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