

5-8-1896

## United States Court in Indian Territory

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IN THE SENATE OF THE UNITED STATES.

MAY 8, 1896.—Ordered to be printed.

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

REPORT:

[To accompany S. 1833.]

The Committee on the Judiciary, to whom was referred the bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes, have had the same under consideration and recommend its passage with the following amendments:

Strike out all of section 3.

Amend section 4 so it will read as follows:

SEC. 3. That section three of said act is amended by striking from the third sentence thereof the words, "where he himself does not reside," so that said sentence will read: "Each of said clerks shall appoint a deputy clerk for each court in his district."

Amend the first two lines of section 5 so they will read as follows:

SEC. 4. That in addition to the number provided by section 4 of said act the judge for the northern district is authorized

Strike out all of said section after the word "districts," in line 8, and insert in lieu thereof the word "accordingly."

In line 1 of section 6 strike out "6" and insert in lieu thereof "5."

In line 16 of said section strike out the word "(Indian)."

In line 1 of section 7 strike out "7" and insert in lieu thereof "6."

Strike out all of section 8.

In line 1 of section 9 strike out "9" and insert in lieu thereof "7."

In line 8, of said section, after the word "court," insert the words "and in furtherance of justice."

After the word "district," in line 9, amend the remainder of said section so it will read as follows: "on application of either party, which may be contested by the opposing party."

In line 1 of section 10 strike out "10" and insert in lieu thereof "8."

After the word "prosecuted," in line 7 of said section, insert the words "the said court shall order."

After the word "clerk," in line 7 of said section, strike out the words "of said court shall" and insert in lieu thereof the word "to."

Strike out the words "of appeals" in line 8 of said section.

After the word "and," in line 10 of said section, strike out all down to and including the word "therein," in line 15 thereof, and in lieu thereof insert the following:

the same shall be filed therein and said court shall proceed to hear and determine said appeal or writ of error with the same powers the United States court of appeals in the Indian Territory would otherwise have had.

Strike out all of section 11.

In line 1 of section 12 strike out "12" and insert in lieu thereof "9."

Strike out all of said section, beginning with the word "That," in line 1, and ending with the word "follows:", in line 4.

In line 12 of said section strike out the words "to bind themselves."

In line 1 of section 13 strike out "13" and insert in lieu thereof "10."

In line 1 of section 14 strike out "14" and insert in lieu thereof "11."

After the word "required," in line 18 of said section, strike out the words "of the prosecuting witness."

In line 1 of section 15 strike out "15" and insert in lieu thereof "12."

Strike out all of sections 16 and 17.

In line 1 of section 18 strike out "18" and insert in lieu thereof "13."

After the word "detainer," where it first occurs in line 16 of said section, strike out the word "and" and insert in lieu thereof the word "or."

After the word "detainer," at the end of line 16 of said section, insert the words "or of ejection."

Strike out all of section 19.

In line 1 of section 20 strike out "20" and insert in lieu thereof "14."

In line 1 of section 21 strike out "21" and insert in lieu thereof "15."

Strike out all of said section after the word "challenges" in line 7 thereof.

In line 1 of section 22 strike out "22" and insert in lieu thereof "16."

After the word "Territory," in line 2 of said section, strike out the word "should."

In line 1 of section 23 strike out "23" and insert in lieu thereof "17."

Strike out all of said section beginning with the word "And" in line 4 down to and including the word "misdemeanor" in line 11 thereof.

In line 1 of section 24 strike out "24" and insert in lieu thereof "18."

In line 1 of section 25 strike out "25" and insert in lieu thereof "19."

After the word "may," in line 2 of said section, insert the words "by sentence."

In line 1 of section 26 strike out "26" and insert in lieu thereof "20."

In line 14 of said section strike out the words "conveyances of real estate, chapter twenty-seven."

In lines 17 and 18 of said section strike out the words "corporations, chapter twenty-nine;"

Strike out the word "medicine," at the end of line 19 in said section, and all of line 20 in said section ending with the word "five."

In line 1 of section 27 strike out "27" and insert in lieu thereof "21."

Strike out all of section 28.

In line 1 of section 29 strike out "29" and insert in lieu thereof "22."

Before the word "construed," in line 3 of said section, insert the word "so."

Strike out all sections 30 and 31.

Amend section 32 so it will read as follows:

SEC. 23. That in all cases of conviction for crime in the courts, created under act of Congress, in the Indian Territory the court shall fix the punishment which may be imposed.

Strike out all of section 33.