

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TO THE

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,

TRANSMITTING

A draught of "a bill conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians."

APRIL 2, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed, to accompany bill S. 652.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 31, 1874.

SIR: I have the honor to present herewith a draught of "a bill conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians."

I also transmit a copy of a communication, dated the 28th instant, from the Commissioner of Indian Affairs, explaining the objects for the accomplishment of which legislation is proposed.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. W. A. BUCKINGHAM,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 28, 1874.

SIR: In compliance with the directions contained in your letter of the 30th of January last, I have the honor to submit herewith, for your favorable presentation to Congress, a draught of a proposed bill, deemed necessary by this Office to be enacted into a law, in order to the proper protection of the interests of the Indians. The first section of this proposed law provides that, except as to crimes committed in the Indian country or upon any Indian reservation, the punishment of which is

2 PUNISHMENT OF CRIMES COMMITTED BY AND AGAINST INDIANS.

expressly provided for by laws of the United States, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall be in force in and upon each and every Indian reservation established by law, treaty stipulation, or executive order, within the limits of any State or Territory of the United States, and that exclusive jurisdiction over offenses committed in violation of such special or general laws be extended to, conferred upon, and vested in the district and circuit courts of the United States in and for such States or Territories within which such reservations are located, respectively, provided that nothing therein shall be construed to extend the jurisdiction of said courts to offenses committed upon such reservations by one Indian against the person or property of another Indian; and provided, further, that if any superintendent or Indian agent shall, at any time, file with any United States district or circuit court for any State or Territory of the United States his affidavit, setting forth that upon any Indian reservation in said States or Territories, or within the limits of the jurisdiction of said court, any Indian has committed an offense against the person or property of any other Indian or Indians, and that he deems it necessary that the United States should assume jurisdiction thereof, then, in that case, process shall be issued and such measures be taken by said court for the punishment of such offense as though it were committed by a white person against the person or property of an Indian; and the respective United States marshals for the States or Territories within which the Indian reservations are situated shall, on the written request of any Indian superintendent or agent, verified by oath or affirmation, arrest any Indian or Indians charged by such superintendent or agent with having committed offense or offenses against the person or property of any other Indian or Indians, and shall retain him or them in custody, subject to disposition by the United States court having jurisdiction.

The second section provides that any person not an Indian who shall cut, or remove, or in any manner carry away any wood, trees, or timber of any kind, or stone, grass, or any other material from an Indian reservation established by law, treaty stipulation, or executive order, within the limits of any State or Territory of the United States, shall be liable to a fine of \$500, and imprisonment not exceeding two years.

Section three authorizes and requires any United States marshal to remove from any Indian reservation, within the jurisdiction of the court of which he is marshal, any person found thereon contrary to law, upon being requested in writing so to do by the Indian agent or superintendent under whose control the reservation in question may be.

Very respectfully, your obedient servant,

EDW'D P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

○