

PROTEST OF THE CREEK DELEGATES AGAINST THE PAS-
SAGE OF H. R. BILL 12768.

FEBRUARY 6, 1891.—Referred to the Committee on the Judiciary and ordered to be printed.

MR. ROGERS, of Arkansas, (by request) presented the following :

PROTEST OF THE CREEK NATION OF INDIANS AGAINST THE EX-
TENSION OF THE JURISDICTION OF THE UNITED STATES COURT
IN THE INDIAN TERRITORY.

*To the honorable, the Senate and the House of Representatives of the
United States of America in Congress assembled :*

The undersigned delegates of the Creek Nation of Indians would respectfully call your attention to House bill 12768, which proposes to extend the jurisdiction of the United States court in the Indian Territory. The bill, if enacted into a law, we submit, will, in effect, destroy the right of local self-government guarantied to our people by numerous treaty stipulations, and guaranties dating as far back as the year 1832.

Article fourteenth of Creek treaty proclaimed April 4, 1832, says :

The Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them.

Article fourth of treaty proclaimed August 28, 1856 says :

The United States do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement, shall ever be embraced or included within or annexed to any Territory or State; nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

Article fifteenth of same treaty says :

So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits.

Article tenth of Treaty proclaimed August 11, 1866, says :

The Creeks agree to such legislation as the Congress and President of the United States may deem necessary for the better administration of justice and the protection of all rights of person and property within the Indian Territory: *Provided, however,* (That) said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges, and customs.

No one of the five civilized tribes of the Indian Territory has asked for any change in its relations with the United States, or signified any

dissatisfaction with their local judiciary, or complained of a lack of proper protection of their person or property. The Indians of the Territory are not prepared to be subjected to the multifarious and, to them, incomprehensible, laws of the United States; nor are they disposed to give up their own nationalities and laws, which answer the purpose of their civilization, prosperity, and happiness. They each have a written constitution and code of civil and criminal laws; they have their own executive officers, chosen by the people; legislatures, courts, schools, and other institutions in successful operation, the same as any State or Territory of the United States.

Life and property, in each of these Nations, are as carefully guarded and protected, and the laws are as sacredly administered and enforced by the local courts throughout the Indian Territory as anywhere in the United States.

In view of these facts and the further fact that the enactment of a law such as is contemplated by the bill mentioned would be a flagrant violation of solemn treaty stipulations, we respectfully, but earnestly, enter our protest against the passage of said bill, and also against any interference on the part of Congress with the rights, privileges, and institutions established by our people in pursuance of treaty stipulations.

D. M. HODGE,
ROBY MCINTOSH,
A. P. MCKELLOP,
^{his}
THOMAS X KNIGHT,
^{mark.}
Creek Delegates.