

OBJECTIONS

OF

THE CHICKASAW NATION

to the

Bill (H.R. 5123) Entitled " A Bill to Authorize the execution

in Indian Territory of Process issued from the United

States Courts Having Jurisdiction in said Territory

now pending in the house of Representatives of the

United States

1. Indians who maintain their tribal relations are not citizens of the United States or of either of the States.

(Art. 14, Sec. 1 amendments Const. U. S. Elk v. Wilkins, 112 U. S., 94.)

2. Indians who maintain their tribal relations are not citizens of foreign States. (The Cherokee Nation v. The State of Georgia, 4 Peters, 1.)

3. The judicial power of the United States only extends to those cases which are specified in the second section of the third article of the

constitution. The constitution confers upon the federal courts jurisdiction of "controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects."

But the constitution does not confer upon federal courts jurisdiction of any civil case one of the parties to which a government which is neither a State of the United States nor a foreign State. Nor does it confer upon federal courts jurisdiction of any civil case one of the parties to which is a

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person who is not a citizen, or subject, of a foreign state. (The Cherokee Nation v. The State of Georgia, 4 Peters, 1.)

4. House bill 5123 purports to confer jurisdiction of civil cases arising in the Indian territory upon certain United States courts.

5. This bill is unconstitutional, and, if it shall become an act of Congress, the act will be void.

6. The measure will be so annoying and injurious to the Indians that they will be constrained to deny its constitutionality, in the very first case that shall arise, under its provisions. The result must inevitably be the judicial nullification of the act.

G. W. HARRIS

H. H. HARRIS

Chickasaw Delegate

Washington, March 17, 1885