



Demurrer Challenging Court Authority, 1850

Transcription of 1850 Document

See original document at: <http://sos.oregon.gov/archives/exhibits/highlights/Pages/whitman.aspx>

District Court of the United States of America, for the District of Oregon, County of Clackamas

Teloquit

Tamohas

Clokomas

Isiaasheluckas

Kiamasumkim

And the said Teloquoit, Tomahas, otherwise called the murderer, Clokomas, Isiaasheluckas and Kiamasumkin in their own proper persons cometh into court and having heard the Indictment read saith that the said District Court of America, here ought not to take further cognizance of the felony in the several count of the Indictment above specified because protesting that they are not guilty of the felony charged in said Indictment aforesaid nevertheless the defendents Teloquoit, Tomahas, otherwise called the murderer, clokomas, Isiaasheluckas, and Kiamasumkim sayeth that at the time of the alleged commission of the so called felony, if committed to wit, on the twenty ninth day of November One thousand eight hundred and forty seven, they were native born Indians belonging to the Cayuse nation whose territory lyeth west of the summit of the Stoney or Rocky Mountains, and without the limits of the Indian Country as defined by the Congress of the United States in legislative enactments previous to the time of the alleged commission

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of the so called felony, if committed and therefore not under or in anywise subject to the jurisdiction of the courts of the United States.

And the defendant Teloquoit, Tomahas otherwise called the murderer, Clokomas, Isiaaskiluckas, and Kiamasumkin further sayeth that, Wai-et-at-pu the place where the alleged felony is supposed to have been committed, was part and parcel of the country known as claimed and possessed by the said Cayuse nation, aforesaid and without the jurisdiction and laws of the United State at the time aforesaid, and subject to the laws and ways of the said Cayuse nation of Indians they being free and independent and of this they are (?) to verify; Wherefore the Defendants aforesaid, say that this court that no jurisdiction to cause the defendants aforesaid to make a further or other answer to said Bill of indictment for said supposed crime alleged in the bill of indictment. And the Defendants aforesaid pray judgement whether they shall be held bound to further answer said indictment

Teloquoit X his mark

Tomahas X his mark

Clokomas X his mark

Isiaaskiluckas X his mark

Kiamasumki X his mark

The United States of America

Teloquoik
Tamaahas
Chokomas
Isiashetuckas
Mainasumtkis

(District Court of the United
States of America for the District
of Oregon, County of Clatskanie,

And the said Teloquoik, Tamaahas, otherwise called the
murderer, Chokomas, Isiashetuckas and Mainasumtkis
in their own proper persons, cometh into touch and having
heard the Indictments read, saith that the said District
Court of America, here ought not to take further cog-
-nizance of the felony in the several counts of the
Indictments above specified, because protesting
that they are not guilty of the felony charged in said
Indictments aforesaid, nevertheless the defendants
Teloquoik, Tamaahas, otherwise called the ~~murderer~~ Murderer
Chokomas, Isiashetuckas and Mainasumtkis say
with that at the ^{time} of the alleged commission
of the so called felony, ^{if committed} to wit, on the twenty ninth
day of November one thousand eight hundred and
forty seven, they were natives born Indians belonging
to the Cayuse Nation, whose territory lyeth west of the
summit of the Stoney or Rocky Mountains, and
without the limits of the Indian country as defined
by the Congress of the United States in legislative prac-
-tices previous to the time of the alleged commis-

= sin of the so called felony, ^{of committed} and therefore not
 made or in anywise subject to the jurisdic-
 tion of the Courts of the United States.

And the Defendants Telogwaik, Tamahas, other-
 wise called the ~~by~~ ^{murderer} Olokomas, Issias
 heluckas, and Kiamassumukin further say that
 that, Wai-it-at-pu the place where the
 alleged felony is supposed to have been com-
 mitted, was part and parcel of the Country
 known as, claimed and possessed by the said
 Cayuse Nation, aforesaid, and without the
 jurisdiction and laws of the United States at
 the time aforesaid, and subject to the laws
 and usages of the said Cayuse Nation of Indians
 they being free and independent. ^{And of this they are ready to testify;} Wherefore
 the Defendants aforesaid, say, that this Court hath
 no jurisdiction to cause the Defendants aforesaid
 to make a further or other answer to said Bill
 of indictment for said supposed crime alleged
 in the bill of indictment. And the Defendants
 aforesaid pray judgment whether they shall
 be held bound to further answer said indictment

Telogwaik	his
Tamahas	marks
Olokomas	his
Issias heluckas	marks
Kiamassumukin	his
	marks

