

Demurrer Challenging Court Authority, 1850

Transcription of 1850 Document

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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 pates of Anunca Juts of America for the United Seloquirik Janahas Clokomas Maasheluckas Mainasunkio And the Said Selequeich Jamahas alunin Cacad the muderer blokomas Isiaachebackas and Kiamasunden in Their own perfor persons cometh into touch and having bland the Sudiationents read saich that the said Certrick Court of Sincia, her mysel ach to take further cog - sugared of the filong in the second avenuts of the In distance above specified because protecting that they are not quilly of the felong changed i sail hadichants of mesaid nouthely the Defendants Aloquoit, Jamahas otherwise caced the Big Brunderen booking, Isia acheterches and dram asunthis pay with that at the time of the alleged anisissing of the do called felling a to with, in the twenty much day of horember las thousand light hundred and frity leaver, they were notice born Andrais belonging to the leagues ration where territing lysthe west of the formich of the Stoney or Richy Brown lains, and without the limits of the Indians termity as defined by the langues of the twiced That's in higistation succe almered provis to the time of the alleged comments

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