

STATUTE II.

CHAP. XCII.—*An Act to provide for the punishment of crimes and offences committed within the Indian boundaries. (a)*

March 3, 1817.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any Indian, or other person or persons, shall, within the United States, and within any town, district, or territory, belonging to any nation or nations, tribe or tribes, of Indians, commit any crime, offence, or misdemeanor, which, if committed in any place or district of country under the sole and exclusive jurisdiction of the United States, would, by the laws of the United States, be punished with death, or any other punishment, every such offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offences, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States.

Indians or other persons committing offences in Indian towns, &c. which, if committed within the sole jurisdiction of the United States, would be punished with death, or other punishment, to suffer in like manner.

SEC. 2. *And be it further enacted,* That the superior courts in each of the territorial districts, and the circuit courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with, full power and authority to hear, try, and punish, all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: *Provided,* That nothing in this act shall be so construed as to affect any treaty now in force between the United States and any Indian nation, or to extend to any offence committed by one Indian against another, within any Indian boundary.

Superior territorial, and circuit, and other courts authorized to try offences against this act.

SEC. 3. *And be it further enacted,* That the President of the United States, and the governor of each of the territorial districts, where any offender against this act shall be apprehended or brought for trial, shall have, and exercise, the same powers, for the punishment of offences against this act, as they can severally have and exercise by virtue of the fourteenth and fifteenth sections of an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed thirtieth March, one thousand eight hundred and two, for the punishment of offences therein described.

The President, and the governors of territories, invested with the same powers for the punishment of offences against this act as by the sections of the act referred to.

APPROVED, March 3, 1817.

Act of March 30, 1802, ch. 13, sec. 14, 15.

STATUTE II.

CHAP. XCIII.—*An Act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said district.*

March 3, 1817.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, all those persons who shall hold any share of the joint

Farmers and Mechanics' Bank of George-

(a) Congress have power to regulate commerce among the Indian tribes, which affords a wide scope for legislation. Under a similar power as regards foreign relations, Congress have passed non-intercourse acts, acts laying embargoes, and other acts which are admitted to be constitutional. *United States v. Baily*, 1 McLean's C. C. R. 234.

Congress have a right to select the means which have a direct relation to the object, in the regulation of commerce with the Indians. Such are the provisions of the act of 1802. *Ibid.*

But Congress cannot under this investiture of power exercise a general jurisdiction over an Indian territory within a state. In a territory of the United States, in which Congress possesses legislative power, there can be no objection to the exercise of the power. *Ibid.*

Congress cannot punish for an offence, within the Indian territory, in a state, which has no relation to the Indians, and which cannot affect their commerce. *Ibid.*

The act of March 3, 1817, ch. 92, which assumes to exercise a general jurisdiction over Indian countries, within a state, is unconstitutional and of no effect. *Ibid.*

The crime of murder, charged against a white man for killing another white man in the Cherokee country, within the State of Tennessee, cannot be punished in the courts of the United States. *Ibid.*