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### Report on Liability of the U.S. Government to Reimburse Losses at the Hands of Indians

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S. Rep. No. 156, 43d Cong., 1st Sess. (1874)

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IN THE SENATE OF THE UNITED STATES.

MARCH 4, 1874.—Ordered to be printed.

Mr. MORRILL, of Maine, submitted the following

R E P O R T :

The proposition submitted by the resolution of the Senate is whether an obligation rests upon the Government of the United States to reimburse States and Territories, and the citizens thereof, for expenses and damages sustained by reason of incursions of hostile Indians.

The committee are not able to perceive upon what grounds such obligation can be supposed to arise.

Most certainly such obligation is not assumed when the States enter the Union. Nor is it believed that it necessarily results from their relation to it when so admitted.

Doubtless an obligation to reimburse expenses incurred in resisting an invasion of the public enemy might arise if duly called upon under circumstances justifying such call for aid. But it is sufficient to say that no such question arises upon the proposition submitted, viz: An incursion of hostile Indians.

It is scarcely to be presumed that the public safety would become so largely involved by the incursion of marauding parties of Indians as to render it necessary for the State to appeal to the United States Government for aid to defend its soil, or the property or person of its citizens. And if not, certainly no such obligation as is suggested would be imposed.

The case cannot be otherwise in regard to the Territories, unless the expenses have been incurred by authority of the United States. The duty of protecting its citizens rests primarily with the States, and it is not perceived that under circumstances such as are supposed that duty could be devolved upon the United States.

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