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Current and contingent expenses of Indian Department

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CURRENT AND CONTINGENT EXPENSES OF INDIAN DEPARTMENT.

MARCH 30, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAILEY, from the Committee on Indian Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 7475.]

The Committee on Indian Affairs, to whom the bill H. R. 2844 was referred, supplementary and amendatory of section 9 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885, submit the following :

The section this bill proposes to amend reads as follows :

SEC. 9. That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases, and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

This section has conferred jurisdiction on and made it the duty of Territorial courts to try all Indians who committed any crime under this statute, whether the crime was committed on or off of a reservation, whether against the person or property of another Indian or other person. While judges in Territories have the power to try cases arising under both the United States statutes and the Territorial statutes, the custom has been for them to hold courts in each county in the Territory, to hear and try cases arising under the Territorial statute, the expense of which is paid by the respective counties and Territory.

While they only hold court to hear cases arising under the United States statutes in one county for each district in the Territory, the expense of which is paid by the United States, your committee can see the necessity of having Indians who commit crimes tried by Territorial courts, when they live at remote distances from where United States courts are held, which would often save much time and expense

of travel, but we can see no justice in imposing the expense of this class of trials, and expenses after conviction, upon the people of the Territories. Reservation Indians are wards of the Government; they pay no taxes in Territories.

The white people of the Territories are allowed no rights upon Indian reservations in Territories, consequently they derive no revenue or benefit from the Indians.

After due consideration, and in accordance with the express views of the Commissioner of Indian Affairs, your committee report a substitute for bill H. R. 2844, which provides that the expense incurred in the apprehension, trials, and maintenance after conviction of Indians under this act shall be paid by the United States. Your committee recommend the passage of the substitute.

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