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Contingent expenses of the Indian Department

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CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT.

MARCH 8, 1888.—Referred to the House Calendar and ordered to be printed.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3383.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3383) to amend section 9 of the 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, 1885, and for other purposes," having carefully considered the same, respectfully submit the following report:

That the exact effect of the proposed amendment may be at once understood, your committee herewith present the existing law with the amendment contemplated by this bill incorporated in italics:

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, robbery, and larceny within any Territory of the United States, or the Indian Territory, except that part occupied by the five civilized tribes, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and may 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 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: *Provided, however, That in all cases arising under this act within any Territory of the United States, including the Indian Territory, excepting that part thereof occupied by the five civilized tribes, the courts of the United States shall have exclusive jurisdiction of said crimes committed by one Indian upon the person or property of another Indian, and shall have concurrent jurisdiction with the Territorial courts in all other cases arising under this act.*

At the present time crimes committed by one Indian against person or property of another go almost wholly unnoticed and unpunished. The Territorial citizens and officers and courts practically refuse to take cognizance of such offenses and bear the expense of enforcing law and order upon Indian reservations. Of this the Government can scarcely complain. The reservations contribute nothing in aid of Territorial government. They occupy lands which otherwise would share in the burdens of taxation. The offenses are usually committed upon the reservations, and the people of the Territories have no special interests involved to induce them to prosecute the criminal at their own expense.

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It is of importance to the General Government that the statute of 1885 should be enforced. It would operate as a powerful support in preserving peace and good order among the Indians on and off the reservations. Besides it would eventually be of the highest value to the Indians themselves, in bringing them to a due regard for the lives and person and property of others under the laws of civilization.

It is the opinion of your committee that the amendment proposed would give effect to the law of 1885; that this would add materially to the security of both person and property among the Indians and be worth much to them as a means of education and development.

This legislation has been urged by the Commissioner of Indian Affairs in three successive reports, extracts from the two last of which are herewith appended.

Your committee submit this bill and recommend that it do pass.

[Report of Commissioner of Indian Affairs for 1886, p. 103.]

In my last annual report attention was called to certain defects in the ninth section of the act of March 3, 1885 (23 Stats., 385), providing for the punishment of certain crimes committed by Indians. Subsequently a bill was prepared and submitted to Congress relieving the Territories of the expenses incident to the enforcement of the law, and extending its provisions to that portion of the Indian Territory not covered by the laws of the five civilized tribes. I deem the passage of this or a similar bill to be necessary to the proper execution of the act. In Dakota, especially, the county authorities refuse to prosecute Indians guilty of the most serious offenses on the ground of the expense incident to such prosecution. As the counties derive no revenue from the reservations within their limits, the injustice of compelling them to assume the burden of these prosecutions is apparent.

[Report of Commissioner of Indian Affairs for 1887, p. 33.]

For the third time I am compelled to call attention to the defects in the ninth section of the act of March 3, 1885 (23 Stats., 385), providing for the punishment of certain crimes committed by Indians, Congress having failed to enact the same.

The Territories should be relieved of the expenses incident to the enforcement of the law, and its extension to that portion of the Indian Territory not covered by the laws of the five civilized tribes is of the greatest importance.

