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H.R. Rep. No. 1046, 51st Cong., 1st Sess. (1890)

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EXPENSES OF INDIAN DEPARTMENT, ETC.

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MARCH 25, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. ROGERS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany H. R. 3936.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 3936) entitled "A bill to amend section 9 of 'an act making appropriations for expenses of Indian Department and for fulfilling treaty stipulations with various Indian tribes for year ending June 30, 1886, and for other purposes,'" approved March, 1885, report the same back with two amendments, and, as amended, recommend its passage.

First. Strike out in line 21, on page 2, the word "commit" and insert in lieu thereof the words "be charged with the commission of."

Second. Strike out all after the word "respectively" in line 27, on page 2, and insert in lieu thereof the following:

And all fees and expenses incurred in the apprehension, prosecution, and trial of such Indians shall be taxed as fees and expenses are taxed in criminal cases in the circuit and district courts of the United States, and after being duly audited by the proper officials of the Treasury shall be paid in the same way and out of the same funds as costs and expenses in other criminal cases are paid when incurred in the circuit and district courts of the United States: *Provided*, That the same fees and expenses shall be allowed as are allowed in the Territorial courts in like cases: *And provided further*, That no fee or allowance shall be made for any grand jury, nor for any petit juror, except those who actually try the cause, and only for the number of days so actually engaged in the trial thereof.

Absolute and exclusive control of the "Indian tribes" is within the power and jurisdiction of the United States Government. The Territories can only deal with them as Congress may direct or authorize. The jurisdiction to try and punish the Indians embraced in the terms of this bill, was first conferred on the Territorial courts in 1885. The expenses of these trials have proven very burdensome to the Territories, and they naturally, and the committee think justly, complain at being called upon to defray them. All these cases are, strictly speaking, United States cases, and so far as the committee is advised in all cases of crimes against the United States committed on their reservations by Indians, the expenses are everywhere else paid by the United States. The committee think it should be done in these cases, and hence recommend the passage of the bill.