EXPENSES OF INDIAN DEPARTMENT.

JANUARY 18, 1887.—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 fol-
lowing

REPORT:

[To accompany bill S. 1100.]

*The Committee on Indian Affairs have had under consideration the bill
(S. 1100) to amend section 9 of an act entitled "An act making appro-
priations for the current and contingent expenses of the Indian Depart-
ment and for fulfilling treaty stipulations with various Indian tribes for
the year ending June 30, 1886, and for other purposes," approved March
3, 1885, and 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 per-
son 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 commit-
ting 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 per-
son. 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 Terri-
tory, to hear and try cases arising under the Territorial statute, the ex-
pense 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 ex-
pense 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.

Certainly they should not be compelled to pay the expenses incurred in the enforcement of the provisions of this act.

The only changes made in the original bill by the present one are that it extends the provisions of the act over all of the Indians in the Indian Territory excepting the five civilized tribes, and also provides that the United States shall reimburse the States or Territories for expenses incurred in prosecutions under the provisions of this act; also that the expense of maintaining Indians after conviction shall be borne by the United States.

. This amendment has the approval of the Commissioner of Indian Affairs and the Secretary of the Interior in Ex. Doc. No. —.

Your committee recommend the passage of the bill.