

1 be had within or in the vicinity of the reservation or Indian
2 community where the offense was committed.

3 SEC. 10. In both civil and criminal causes, the right
4 to trial by jury and all other procedural rights guaranteed
5 by the Constitution of the United States shall be recognized
6 and observed.

7 SEC. 11. In criminal cases the rules of evidence shall
8 be those prevailing in criminal cases in the United States
9 district courts. In civil cases the common law rules of
10 evidence, including the rules governing competency of
11 witnesses, shall prevail: *Provided, however,* That the court
12 shall have the power to amend such rules by rule of court
13 or judicial decision to make them conform as nearly as
14 possible to modern changes evidenced by the statutes and
15 decisions of the United States and the several States, and
16 to adapt them, where necessary, to the solution of problems
17 of proof peculiar to the cases before the court.

18 SEC. 12. The statutes and decisions of the several
19 States, except where the Constitution, treaties, or statutes of
20 the United States, or the charters or ordinances of Indian
21 communities or orders of executive departments thereunder
22 promulgated, otherwise require or provide, shall be regarded
23 as rules of decision in all civil cases in the Court of Indian
24 Affairs.