

AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE PAYMENT OF THE CHOCTAW AND CHICKASAW TOWN-SITE FUND," ETC.

MARCH 13, 1924.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT.

[To accompany H. R. 4462.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4462) to amend an act entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes," having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Page 1, line 12, after the word "paid" insert the word "direct."

This legislation is unanimously recommended by your committee and by the Department of the Interior. The facts regarding the measure are fully set forth in the letter from the Secretary of the Interior which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1924.

HON. H. P. SNYDER,
*Chairman Committee on Indian Affairs,
House of Representatives.*

MY DEAR MR. SNYDER: Reference is made herein to H. R. 4462 and to your request of March 7, 1924, for a report thereon. The enactment of the bill is recommended.

The \$40, \$35, and \$20 per capita payments in 1904, 1906, and 1908, respectively, which were made out of the Choctaw and Chickasaw tribal funds derived from the sale of town lots, were made under the provisions of the act of Congress of April 28, 1904 (33 Stat. L. 571), to the members of the above-named tribes entitled thereto, or, in case of their death, to their legal representatives. By section 3 of the act it was provided that in case of a deceased enrolled member of the tribe, the payment should be made to his "legal representative." In view of this provision of law, it was held on January 24, 1914, by the then Comptroller of the Treasury (68 MS. Comp. Dec. 540) that the words "legal representative" mean an executor or administrator, and therefore that the unpaid shares due in

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the cases of enrolled deceased citizens of the Choctaw and Chickasaw Nations could only be paid to such legal representatives of the estates of the decedents, and that payment thereof could not be made direct to the heirs. The comptroller stated that the expense involved in the making of small payments to administrators when there was no administration pending and no other reason for an administration furnished a strong reason why payments to heirs without administration should be authorized; but in view of the positive declaration on the subject by Congress, there was no apparent opportunity for his office to furnish any relief, no matter how badly needed, and that it was apparent that Congress alone could relieve the situation from unnecessary burden. The Interior Department has heretofore recommended remedial legislation on the subject.

There are unpaid shares of the above-mentioned tribal funds amounting in the aggregate to \$30,435, chiefly due to the estates of deceased enrolled members of the above-named tribes. H. R. 4462 provides for the payment of the unpaid shares of the above-mentioned tribal fund in the case of deceased enrolled members of the tribe to the heirs of the decedents entitled thereto. The rule for distribution provided for in H. R. 4462 conforms to the laws providing for the per capita distribution of the other tribal funds of the Choctaw and Chickasaw Indian Nations.

As stated above, the enactment of H. R. 4462 is recommended.

Very truly yours,

HUBERT WORK.