

Cal. 134. May 22. 24

Calendar No. 463

68TH CONGRESS
1ST SESSION

H. R. 7913

[Report No. 437]

IN THE SENATE OF THE UNITED STATES

APRIL 7 (calendar day, APRIL 8), 1924

Read twice and referred to the Committee on Indian Affairs

APRIL 21, 1924

Reported by Mr. CURTIS (for Mr. HARRELD), without amendment

AN ACT

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That jurisdiction be, and is hereby, conferred upon the
4 Court of Claims, notwithstanding the lapse of time or stat-
5 utes of limitation, to hear, examine, and adjudicate and
6 render judgment in any and all legal and equitable claims
7 arising under or growing out of any treaty or agreement
8 between the United States and the Creek Indian Nation
9 or Tribe, or arising under or growing out of any Act of
10 Congress in relation to Indian affairs, which said Creek

1 Nation or Tribe may have against the United States, which
2 claims have not heretofore been determined and adjudicated
3 on their merits by the Court of Claims or the Supreme Court
4 of the United States: *Provided, however,* That the pro-
5 visions of this Act shall not be construed to confer jurisdic-
6 tion upon the court to hear, examine, consider, and adjudi-
7 cate any balance claimed to be due on the so-called Loyal
8 Creek claim, or any amount claimed to be due to equalize
9 allotments among members of the Creek Tribe.

10 SEC. 2. Any and all claims against the United States
11 within the purview of this Act shall be forever barred un-
12 less suit be instituted or petition filed as herein provided
13 in the Court of Claims within five years from the date of
14 approval of this Act, and such suit shall make the Creek
15 Nation party plaintiff and the United States party de-
16 fendant. The petition shall be verified by the attorney or
17 attorneys employed to prosecute such claim or claims under
18 contract with the Creeks approved by the Commissioner
19 of Indian Affairs and the Secretary of the Interior; and
20 said contract shall be executed in their behalf by a com-
21 mittee chosen by them under the direction and approval
22 of the Commissioner of Indian Affairs and the Secretary
23 of the Interior. Official letters, papers, documents, and rec-
24 ords, or certified copies thereof, may be used in evidence,
25 and the departments of the Government shall give access

1 to the attorney or attorneys of said Indian nation to such
2 treaties, papers, correspondence, or records as may be
3 needed by the attorney or attorneys of said Indian nation.

4 SEC. 3. In said suit the court shall also hear, examine,
5 consider, and adjudicate any claims which the United States
6 may have against said Indian nation, but any payment
7 which may have been made by the United States upon
8 any claim against the United States shall not operate as
9 an estoppel, but may be pleaded as an offset in such suit.

10 SEC. 4. That from the decision of the Court of Claims
11 in any suit prosecuted under the authority of this Act, an
12 appeal may be taken by either party as in other cases to the
13 Supreme Court of the United States.

14 SEC. 5. That upon the final determination of any suit
15 instituted under this Act, the Court of Claims shall decree
16 such amount or amounts as it may find reasonable to be paid
17 the attorney or attorneys so employed by said Indian nation
18 for the services and expenses of said attorneys rendered or
19 incurred prior or subsequent to the date of approval of this
20 Act: *Provided*, That in no case shall the aggregate amounts
21 decreed by said Court of Claims for fees be in excess of
22 the amount or amounts stipulated in the contract of employ-
23 ment, or in excess of a sum equal to 10 per centum of the
24 amount of recovery against the United States.

1 SEC. 6. The Court of Claims shall have full authority
2 by proper orders and process to bring in and make parties
3 to such suit any or all persons deemed by it necessary or
4 proper to the final determination of the matters in contro-
5 versy.

6 SEC. 7. A copy of the petition shall, in such case, be
7 served upon the Attorney General of the United States, and
8 he, or some attorney from the Department of Justice to be
9 designated by him, is hereby directed to appear and defend
10 the interests of the United States in such case.

Passed the House of Representatives April 7, 1924.

Attest:

WM. TYLER PAGE,

Clerk.

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