

68TH CONGRESS,
1ST SESSION.

H. R. 7913

IN THE HOUSE OF REPRESENTATIVES.

MARCH 14, 1924.

Mr. HASTINGS introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

A BILL

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

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

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

1 and the departments of the Government shall give access
2 to the attorney or attorneys of said Indian nation to such
3 treaties, papers, correspondence, or records as may be needed
4 by the attorney or attorneys of said Indian nation.

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

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

15 SEC. 5. That upon the final determination of any suit
16 instituted under this Act, the Court of Claims shall decree
17 such amount or amounts as it may find reasonable to be paid
18 the attorney or attorneys so employed by said Indian nation
19 for the services and expenses of said attorneys rendered or
20 incurred prior or subsequent to the date of approval of this
21 Act: *Provided*, That in no case shall the aggregate amounts
22 decreed by said Court of Claims for fees be in excess of the
23 amount or amounts stipulated in the contract of employment,
24 or in excess of a sum equal to 10 per centum of the amount
25 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
9 be designated by him, is hereby directed to appear and
10 defend the interests of the United States in such case.

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