

68TH CONGRESS  
1ST SESSION

Calendar No. 461  
**H. R. 5325**

[Report No. 440]

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IN THE SENATE OF THE UNITED STATES

MARCH 19, 1924

Read twice and referred to the Committee on Indian Affairs

APRIL 21, 1924

Reported by Mr. CURTIS (for Mr. HARRELD), with amendments

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**AN ACT**

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw 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 statutes
- 5 of limitation, to hear, examine, and adjudicate and render
- 6 judgment in any and all legal and equitable claims arising
- 7 under or growing out of any treaty or agreement between
- 8 the United States and the Choctaw and Chickasaw Indian
- 9 Nations or Tribes, or either of them, or arising under or

1 growing out of any Act of Congress in relation to Indian  
2 affairs which said Choctaw and Chickasaw Nations or Tribes  
3 may have against the United States, which claims have not  
4 heretofore been determined and adjudicated on their merits  
5 by the Court of Claims or the Supreme Court of the United  
6 States.

7       SEC. 2. Any and all claims against the United States  
8 within the purview of this Act shall be forever barred unless  
9 suit be instituted or petition filed as herein provided in the  
10 Court of Claims within five years from the date of approval  
11 of this Act. The claim or claims of each of said Indian  
12 nations shall be presented separately or jointly by petition  
13 in the Court of Claims, and such action shall make the peti-  
14 tioner party plaintiff or plaintiffs and the United States party  
15 defendant. The petition shall be verified by the attorney or  
16 attorneys employed to prosecute such claim or claims under  
17 contract approved by the Commissioner of Indian Affairs  
18 and the Secretary of the Interior, and said contract with  
19 such Indian tribe shall be executed in behalf of the tribe by  
20 the governor or principal chief thereof, or, if there be no  
21 governor or principal chief, by a committee chosen by the  
22 tribe under the direction and approval of the Commissioner  
23 of Indian Affairs and the Secretary of the Interior: *Pro-*  
24 *vided, however, That suit upon any or all claims herein au-*  
25 *thorized to be brought may, in the opinion of the Secretary of*

1 *the Interior and the Commissioner of Indian Affairs, be con-*  
2 *ducted and prosecuted by the regular tribal attorney or at-*  
3 *torneys employed under existing law, with such additional*  
4 *reasonable and necessary expenses for said attorneys to be*  
5 *approved and paid from the funds of the respective tribes*  
6 *under the direction of the Secretary of the Interior; as may*  
7 *be required for the proper conduct of such litigation. Of-*  
8 *ficial letters, papers, documents, and records, or certified*  
9 *copies thereof, may be used in evidence, and the departments*  
10 *of the Government shall give access to the attorney or at-*  
11 *torneys of the above-named Indian nations to such treaties,*  
12 *papers, correspondence, or records as may be needed by the*  
13 *attorney or attorneys of said Indian nations.*

14       SEC. 3. In said suit the court shall also hear, examine,  
15 consider, and adjudicate any claims which the United States  
16 may have against said Indian nations, but any payment  
17 which may have been made by the United States upon any  
18 claim against the United States shall not operate as an  
19 estoppel, but may be pleaded as an offset in such suit.

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

24       SEC. 5. That upon the final determination of any suit  
25 instituted under this Act, the Court of Claims shall decree

1 such amount or amounts as it may find reasonable to be paid  
2 ~~the~~ *any* attorney or attorneys so , *other than the regular*  
3 *tribal attorney or attorneys employed under existing law,*  
4 employed by said Indian nations for the services and  
5 expenses of said attorneys rendered or incurred ~~prior to~~  
6 subsequent to the date of approval of ~~this Act~~ *such contract:*  
7 *Provided, That in no case shall the aggregate amounts*  
8 *decreed by said Court of Claims for fees services and expenses*  
9 *be in excess of the amount or amounts stipulated in the*  
10 *contract of employment, or in excess of a sum equal to 10*  
11 *per centum of the amount of recovery against the United*  
12 *States, nor in any event in excess of \$40,000.*

13 SEC. 6. The Court of Claims shall have full authority  
14 by proper orders and process to bring in and make parties  
15 to such suit any or all persons deemed by it necessary or  
16 proper to the final determination of the matters in con-  
17 troversy.

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

Passed the House of Representatives March 18, 1924.

Attest:

WM. TYLER PAGE,

*Clerk.*

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