
IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1924.

Read twice and referred to the Committee on Indian Affairs.

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
10 growing out of any Act of Congress in relation to Indian
11 affairs which said Choctaw and Chickasaw Nations or Tribes

1 may have against the United States, which claims have not
2 heretofore been determined and adjudicated on their merits
3 by the Court of Claims or the Supreme Court of the United
4 States.

5 SEC. 2. Any and all claims against the United States
6 within the purview of this Act shall be forever barred unless
7 suit be instituted or petition filed as herein provided in the
8 Court of Claims within five years from the date of approval
9 of this Act. The claim or claims of each of said Indian
10 nations shall be presented separately or jointly by petition
11 in the Court of Claims, and such action shall make the peti-
12 tioner party plaintiff or plaintiffs and the United States party
13 defendant. The petition shall be verified by the attorney or
14 attorneys employed to prosecute such claim or claims under
15 contract approved by the Commissioner of Indian Affairs
16 and the Secretary of the Interior, and said contract with
17 such Indian tribe shall be executed in behalf of the tribe by
18 the governor or principal chief thereof, or, if there be no
19 governor or principal chief, by a committee chosen by the
20 tribe under the direction and approval of the Commissioner
21 of Indian Affairs and the Secretary of the Interior. Official
22 letters, papers, documents, and records, or certified copies
23 thereof, may be used in evidence, and the departments of the
24 Government shall give access to the attorney or attorneys of
25 the above-named Indian nations to such treaties, papers,

1 correspondence, or records as may be needed by the attorney
2 or attorneys of said Indian nations.

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

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

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

24 SEC. 6. The Court of Claims shall have full authority
25 by proper orders and process to bring in and make parties

1 to ~~such~~ suit any or all persons deemed by it necessary or
2 proper to the final determination of the matters in con-
3 troversy.

4 SEC. 7. A copy of the petition shall, in such case, be
5 served upon the Attorney General of the United States, and
6 he, or some attorney from the Department of Justice to be
7 designated by him, is hereby directed to appear and defend
8 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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60TH CONGRESS,
1ST SESSION.

} H. R. 5325

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