

68TH CONGRESS,  
1ST SESSION.

# Union Calendar No. 117

# H. R. 5325

[Report No. 295.]

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## IN THE HOUSE OF REPRESENTATIVES.

JANUARY 12, 1924.

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

MARCH 13, 1924.

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Strike out all after the enacting clause and insert the part printed in italic.]

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# A BILL

Conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate 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 Court~~
- 4 ~~of Claims to hear, examine, consider, and adjudicate any~~
- 5 ~~and all claims arising under or growing out of any treaty~~
- 6 ~~stipulation or agreement of the United States with the~~
- 7 ~~Choctaw and Chickasaw Indian Nations or Tribes, or any~~
- 8 ~~Act of Congress, in relation to Indian affairs, which said~~
- 9 ~~Choctaw and Chickasaw Indian Nations or Tribes may~~

1 have against the United States and which claims have not  
2 heretofore been determined or adjudicated: *Provided*, That  
3 said Court of Claims shall also hear, examine, consider, and  
4 adjudicate any claims which the United States may have  
5 against said Indian nations: *Provided further*, That the  
6 suits be instituted within two years from date of approval  
7 of this Act: *Provided also*, That from decisions of the Court  
8 of Claims in said suits appeals may be taken as in other cases  
9 to the Supreme Court of the United States.

10 The Court of Claims shall have full authority by proper  
11 orders and process to bring in and make parties to such suits  
12 any or all persons deemed by it necessary or proper to the  
13 final determination of the matters in controversy.

14 The claim or claims of each of said Indian nations  
15 shall be presented separately or jointly by petition in the  
16 Court of Claims, and such action shall make the petitioner  
17 party plaintiff or plaintiffs and the United States party de-  
18 fendant. Such petition on the part of any such nation or  
19 tribe shall be verified by the attorney or attorneys employed  
20 to prosecute such claim or claims under contract or contracts  
21 with the principal chief or governor of the nation or tribe  
22 interested and approved by the Secretary of the Interior.

23 A copy of the petition shall, in each case, be served  
24 upon the Attorney General of the United States, and he or  
25 some attorney from the Department of Justice, to be desig-

1 nated by him, is hereby directed to appear and defend the  
2 interests of the United States in said cases.

3 Any and all claims against the United States within  
4 the purview of this Act shall be forever barred unless suit be  
5 instituted or petition filed in the Court of Claims within  
6 two years from the date of approval of this Act as provided  
7 herein. Upon the final determination of any suit or action  
8 instituted under this Act the Court of Claims shall decree  
9 such amount or amounts as it shall find reasonable to pay the  
10 attorney or attorneys employed therein by any of the above-  
11 named Indian nations for their services and expenses, and  
12 in no case shall the aggregate amounts decreed by said Court  
13 of Claims be in excess of the amount or amounts stipulated  
14 in the contract of employment or in excess of a sum equal  
15 to 10 per centum of the amount of recovery against the  
16 United States.

17 *That jurisdiction be, and is hereby, conferred upon the*  
18 *Court of Claims, notwithstanding the lapse of time or statutes*  
19 *of limitation, to hear, examine, and adjudicate and render*  
20 *judgment in any and all legal and equitable claims arising*  
21 *under or growing out of any treaty or agreement between*  
22 *the United States and the Choctaw and Chickasaw Indian*  
23 *Nations or Tribes, or either of them, or arising under or*  
24 *growing out of any Act of Congress in relation to Indian*  
25 *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.

Amend the title so as to read: "A bill conferring juris-  
diction upon the Court of Claims to hear, examine, adjudi-  
cate, and enter judgment in any claims which the Choctaw  
and Chickasaw Indians may have against the United States,  
and for other purposes."

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