

68TH CONGRESS
1ST SESSION

Union Calendar No. 188

H. R. 4275

[Report No. 457]

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 1923

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

APRIL 4, 1924

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

[Insert the part printed in italic]

A BILL

Authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims of whatsoever nature, both legal and equi-
4 table, which the Ponca Tribe of Indians residing in the
5 States of Oklahoma and Nebraska may have against the
6 United States, including among other things, claims for
7 moneys due the Ponca Tribe but allowed or paid to some
8 other tribe or tribes of Indians, shall be submitted to the
9 Court of Claims, with the right of appeal by either party
10 to the Supreme Court of the United States for determina-

1 tion; and jurisdiction is hereby conferred upon the Court of
2 Claims to hear and determine any and all such claims and
3 render final judgment thereon.

4 The Court of Claims shall advance the cause upon its
5 docket for hearing, and shall have authority to determine
6 and adjudge the rights, both legal and equitable, of the said
7 Ponca Tribe in the premises: *Provided*, That the court shall
8 hear and determine any legal or equitable defenses, set-offs,
9 or counterclaims *including gratuities* which the United
10 States may offer against the said Ponca Tribe notwith-
11 standing lapse of time or statutes of limitation, *and any*
12 *tribe or band of Indians deemed necessary to a final determi-*
13 *nation of any suit hereunder shall be joined as the court*
14 *may order.* The suit or suits instituted hereunder shall
15 be begun within five years from the passage of this Act
16 by the Ponca Tribe of Indians as parties plaintiff against
17 the United States as the party defendant. The petition or
18 petitions may be verified upon information and belief as to
19 the facts therein alleged by the attorney or attorneys em-
20 ployed by the Ponca Tribe under contract approved by the
21 Secretary of the Interior and the Commissioner of Indian
22 Affairs, as provided by existing law; and no other verifica-
23 tion shall be necessary: *Provided*, That upon the final de-
24 termination of such suit or suits the Court of Claims shall
25 have jurisdiction to decree the fees to be paid to the at-

1 torney or attorneys not to exceed 10 per centum of the
2 amount of the judgment rendered in favor of said Indians
3 *and in no event to exceed the sum of \$25,000, together with*
4 *all necessary and proper expenses incurred in preparation*
5 *and prosecution of the suit; and the same shall be paid out*
6 of any sum or sums found due said tribe.

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By *Mr. GARBER*

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