

ALLOW CERTAIN BANDS OF INDIANS TO HAVE THEIR CLAIMS ADJUDICATED BY THE COURT OF CLAIMS

JANUARY 20, 1927.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. SPROUL of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 2202]

The Committee on Indian Affairs, to whom was referred the bill (S. 2202) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That the plaintiffs or complainants in suit numbered 33731 in the Court of Claims of the United States be, and they are hereby, granted the regular statutory period of time within which to appeal from any or all orders, judgments, or decrees rendered against them in the trial of said action heretofore had: *Provided*, That the time within which said appeal may be taken shall begin to run with the date of the approval of this act.

Amend the title to read: "An act to grant the right and time for appeal to plaintiffs in suit numbered 33731 in the Court of Claims of the United States."

This measure as amended by your committee has the approval of the Department of the Interior, as evidenced by the letter from the Secretary of the Interior which is attached hereto and made a part of this report.

ALLOW INDIANS TO HAVE CLAIMS ADJUDICATED

DEPARTMENT OF THE INTERIOR,

Washington, February 10, 1926.

Hon. J. W. HARRELD,

Chairman Committee on Indian Affairs,

United States Senate.

MY DEAR SENATOR HARRELD: Further reference is made to your recent letter asking an opinion as to S. 2202, to allow the Sisseton and Wahpeton bands of Sioux Indians to have their claims adjudicated by the Court of Claims.

This bill is in effect similar to S. 3346, Sixty-eighth Congress, first session, upon which a favorable report, with certain amendments, was made to your committee May 24, 1924, by this department.

The present bill provides that all claims of these Indians against the Government which have not heretofore been adjudicated by the Congress shall be heard, provided suit is filed within five years from the date of the approval of the act. It also provides that suit No. 33731, on behalf of these Indians, which was dismissed by a decision of the Court of Claims of April 23, 1923, be considered de novo.

The records show that the attorneys for these Indians were not informed that the case had been dismissed by the court, as indicated, until after the statutory period within which an appeal could have been allowed to the Supreme Court of the United States had expired, and that when application for an appeal was filed in December, 1923, the court could not allow it.

In report No. 1392 of February 5, 1925, by the Committee on Indian Affairs, to accompany S. 3346, recommendation was made that the bill be so amended as to permit an appeal in the case to the United States Supreme Court. This department concurs therein, and recommends the following amendment:

Strike out all after the enacting clause and insert:

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Amend the title so as to read:

"To grant the right and time for appeal to plaintiffs in suit numbered 33731 in the Court of Claims of the United States."

The Director of the Bureau of the Budget has advised that this report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

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