

May 21, 1872. CHAP. CLXXVII. — *An Act regulating the Mode of making private Contracts with Indians.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter no contract or agreement of any kind shall be made by any person with any tribe of Indians, or individual Indian or Indians, not a citizen of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him or her, or any other person or persons in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, instalments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be in writing, and executed and approved in the manner hereinafter directed.

SEC. 2. That all contracts or agreements between such parties and for such purposes as named in the first section of this act shall be in writing, a duplicate or copy of which shall be delivered to each party thereto, as hereinafter provided. All such contracts shall be executed before a judge of a court of record and approved in writing thereon by the Secretary of the Interior and commissioner of Indian affairs. Such contract or agreement shall contain the names of all parties in interest, their residence and occupation; but those made with a tribe by their tribal authorities, the scope of authority and the reason for exercising that authority shall be given specifically. Such contracts or agreements shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement it shall be specifically set forth: *Provided*, That all such contracts shall have a fixed limited time to run, and shall be invalid unless so limited: *And provided*, That such contracts shall not be assignable, in whole or in part, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the commissioner of Indian affairs to such assignment be also indorsed thereon: *And be it further provided*, That the judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time, the parties present making the same; the source and extent of authority claimed at the time by the con-

Certain private agreements with Indians not to be made, except, &c.

Agreements to be in writing and in duplicate;

how executed and approved; to contain and state what;

to have a limited time to run; not to be assignable, unless, &c.

Judge, before whom contract is executed to certify officially, &c.

tracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

SEC. 3. That no money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto: *Provided*, That no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the commissioner of Indian affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and commissioner of Indian affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and if not, it shall be paid in proportion to the services rendered under the contract: *Provided*, That all such contracts or agreements hereafter made in violation of the provisions of this act are hereby declared null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else for or on his or their behalf, on account of such services, in excess of the amount approved by said commissioner and secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy, one half of which shall be paid to the person suing for the same, and the other half shall be paid into the treasury of the United States for the use of the Indian or tribe by or for whom it was paid; and the person so receiving said money, and his aiders and abettors shall, in addition to the forfeiture of said sum, be subject to prosecution for misdemeanor in any court of the United States, and, on conviction, shall be fined not less than one thousand dollars, and imprisoned not less than six months; and it shall be the duty of all district attorneys of the United States to prosecute such cases when applied to do so, and their failure and refusal shall be ground for their removal from office; and any Indian agent or other person in the employment of the United States who shall, in violation of the provisions of this act, advise, sanction, or in any way aid in the making of such contracts or agreements, in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making said contract or receiving said money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

Moneys due from the United States to Indians, under such agreement, how and to whom to be paid; no part to agent except, &c.

Agreements in violation of this act void, and money, &c., paid thereunder, may be recovered, and how, &c.

Fine and imprisonment.

District attorneys to prosecute.

Penalty upon persons in the employ of the United States for violation of this act.

APPROVED, May 21, 1872.