

CHAP. 250.—An Act Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

March 2, 1927.  
[S. 2141.]  
[Public, No. 667.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate, and render judgment in any and all claims arising under or growing out of the Treaty of Fort Laramie of September 17, 1851 (Eleventh Statutes, page 749), between the Government of the United States and the Assiniboine Indian Nation, and other Indian nations therein specified; and the treaty of October 17, 1855 (Eleventh Statutes, page 657), between the Government of the United States and the Blackfeet Indian Nation and other Indian nations therein specified; or any subsequent Act of Congress, treaty, agreement or Executive order, or treaty with any other Indian tribe or any nation that violates any of the treaty rights of the Assiniboine Indian Nation which the said Assiniboine Nation or Tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty has been violated or breached by the Government of the United States by Acts of Congress or otherwise, and, if so, to render judgment for the damages resulting therefrom.

Assiniboine Indians. Claims of, growing out of Fort Laramie treaty, etc., submitted to Court of Claims. Vol. 11, p. 749.

Vol. 11, p. 657.

Jurisdiction conferred.

SEC. 2. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this Act, and such suit shall make the Assiniboine Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Assiniboines approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

Time for filing petition.

Verification, etc.

Evidence admitted.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent

Statutes of limitation not a bar.

Set-offs.

to the date of any Executive order, law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, including gratuities.

Decision of court that money, etc., have been unlawfully taken, etc., confined to the value at time thereof, with interest allowed therefrom.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any Executive order, law, treaty, or agreement, set forth and referred to in section 1, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with any interest thereon which may have accrued by virtue of the failure or delay of the United States to pay over to or employ for the benefit of the Assiniboine Indian Nation or Tribe, moneys so required to be paid or employed by any Act of Congress, at the rate of interest provided by such Act or Acts of Congress; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Assiniboine Indians in and to such money or other property.

Decree a full settlement, canceling all further claims.

Attorneys' fees, etc., by decree of court.

SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per centum of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribe or nation of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

Issue of process, etc.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

Appearance of Attorney General directed.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

Amounts recovered to be deposited to credit of the Indians.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 4 per centum per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Assiniboine Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Assiniboine Tribe in the Treasury of the United States.

Costs against losing party.

Proviso. Court expenses from tribal funds.

Passed the Senate April 2, 1926.

Approved, March 2, 1927.