[PUBLIC—No. 42—68TH CONGRESS.]

[H. R. 3444.]

An Act For the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine all legal and equitable claims against the United States of the Blackfeet, Blood, Piegan, and Gros Ventre Nations or Tribes of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana; and the Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians, residing upon the Flathead Indian Reservation, in the State of Montana; and the Nez Perce Nation or Tribe of Indians, residing upon the Lapwai Indian Reservation, in the State of Idaho; and upon the Colville Indian Reservation, in the State of Washington, for lands or hunting rights claimed to be existing in all said nations or tribes of Indians by virtue of the treaty of October 17, 1855 (Eleventh Statutes at Large, page 657, and the following), and in said Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians by virtue of the treaty of July 16, 1855 (Twelfth Statutes at Large, page 975, and the following), with said Indians, and all claims arising directly therefrom, which lands and hunting rights are alleged to have been taken from the said Indians by the United States, and also any legal or equitable defenses, set-offs, or counterclaims, including gratuities, which the United States may have against the said nations or tribes, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time; and the final judgment and satisfaction thereof shall be in full settlement of all said claims.

That suits under this Act shall be begun by the filing of a petition within two years of the date of the approval of this Act, to be verified by the attorney or attorneys selected by the claimant Indians, with the approval of the Secretary of the Interior, employed under contracts executed and approved in accordance with existing law. The claimant Indians shall be parties plaintiff and the United States shall be party defendant, and such suits shall on motion of either party be advanced on the docket of the Court of Claims and of the Supreme Court of the United States. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims in accordance with terms of the said approved contracts and shall be paid out of any sum or sums found and adjudged to be due said Indians: But in no event shall said compensation exceed 10 per centum of the amount of the respective judgments, nor exceed $25,000 for the Indians residing on each respective reservation: *Provided, however*, That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville

Indian Reservations, nor exceed 10 per centum of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe, said compensation to be exclusive of all actual and necessary expenses in prosecuting said suits. The balance of any such judgments shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto and draw interest at the rate of 4 per centum per annum.

Approved, March 13, 1924.

[PUBLIC—No. 42—68TH CONGRESS.]

[H. R. 3444.]

An Act For the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine all legal and equitable claims against the United States of the Blackfeet, Blood, Piegan, and Gros Ventre Nations or Tribes of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana; and the Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians, residing upon the Flathead Indian Reservation, in the State of Montana; and the Nez Perce Nation or Tribe of Indians, residing upon the Lapwai Indian Reservation, in the State of Idaho; and upon the Colville Indian Reservation, in the State of Washington, for lands or hunting rights claimed to be existing in all said nations or tribes of Indians by virtue of the treaty of October 17, 1855 (Eleventh Statutes at Large, page 657, and the following), and in said Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians by virtue of the treaty of July 16, 1855 (Twelfth Statutes at Large, page 975, and the following), with said Indians, and all claims arising directly therefrom, which lands and hunting rights are alleged to have been taken from the said Indians by the United States, and also any legal or equitable defenses, set-offs, or counterclaims, including gratuities, which the United States may have against the said nations or tribes, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time; and the final judgment and satisfaction thereof shall be in full settlement of all said claims.

That suits under this Act shall be begun by the filing of a petition within two years of the date of the approval of this Act, to be verified by the attorney or attorneys selected by the claimant Indians, with the approval of the Secretary of the Interior, employed under contracts executed and approved in accordance with existing law. The claimant Indians shall be parties plaintiff and the United States shall be party defendant, and such suits shall on motion of either party be advanced on the docket of the Court of Claims and of the Supreme Court of the United States. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims in accordance with terms of the said approved contracts and shall be paid out of any sum or sums found and adjudged to be due said Indians: But in no event shall said compensation exceed 10 per centum of the amount of the respective judgments, nor exceed $25,000 for the Indians residing on each respective reservation: *Provided, however*, That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville

Indian Reservations, nor exceed 10 per centum of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe, said compensation to be exclusive of all actual and necessary expenses in prosecuting said suits. The balance of any such judgments shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto and draw interest at the rate of 4 per centum per annum.

Approved, March 13, 1924.

Calendar No. 586

71ST CONGRESS
2D SESSION

S. 872

[Report No. 582]

IN THE SENATE OF THE UNITED STATES

APRIL 29 (calendar day, APRIL 30), 1929

Mr. WHEELER introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

APRIL 30 (calendar day, MAY 1), 1930

Reported by Mr. WHEELER, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend an Act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act approved March 13, 1924, for the relief of certain tribes of Indians in Montana, Idaho, and Washington (Forty-third Statutes at Large, Part I, pages 21 and 22; Public, Numbered 42, Sixty-eighth Congress, first session, chapter 54) be, and the same is hereby, amended by striking out in said Act the words, wherever they appear, "in accordance with the terms of said approved contracts";

and by striking out in said Act the words, wherever they appear, "nor exceed $25,000 for the Indians residing on each respective reservation: *Provided, however,* That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville Indian Reservations, nor exceed 10 per centum of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe," and inserting in lieu thereof the words "as determined by the Court of ~~Claims."~~ *Claims": Provided further, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perces only when they shall have given their formal consent thereto.*

CALENDAR NO. 586

71ST CONGRESS
2D SESSION

S. 872

[Report No. 582]

A BILL

To amend an Act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

By Mr. WHEELER

APRIL 29 (calendar day, APRIL 30), 1929
Read twice and referred to the Committee on Indian Affairs

APRIL 30 (calendar day, MAY 1), 1930
Reported with an amendment

Calendar No. 586

71ST CONGRESS, 2d Session | SENATE | REPORT No. 582

RELIEF OF CERTAIN INDIANS OF MONTANA, IDAHO, AND WASHINGTON

APRIL 30 (calendar day, MAY 1), 1930.—Ordered to be printed

Mr. WHEELER, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 872]

The Committee on Indian Affairs, to whom has been referred the bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, having considered same, report favorably thereon with a recommendation that the bill do pass with the following amendment:

On page 2, line 8, after the word "Claims", add the following:

Provided further, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perces only when they shall have given their formal consent thereto.

This bill has the recommendation of the Secretary of the Interior, as set forth in the following letter, which is appended hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1930.

Hon. LYNN J. FRAZIER,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR MR. CHAIRMAN: With further reference to your request of December 4, 1929, for a report on S. 872, I transmit herewith a memorandum from the Commissioner of Indian Affairs. After a review of the proposed measure, I agree with Commissioner Rhoads.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 6, 1930.

Memorandum for the Secretary.

The accompanying letter of November (December) 4, 1929, from Hon. Lynn J. Frazier, chairman of the Committee on Indian Affairs, United States Senate,

transmits for report a copy of S. 872, to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

The purpose of the bill is to amend the jurisdictional act of March 13, 1924 (43 Stat. 21–22), so as to remove therefrom the limit of $25,000 on the fees to be paid the attorneys of record for the Indians of the Blackfeet and Flathead Reservations, Mont., the Colville Reservation, Wash., the Nez Perces of the reservation last mentioned, and of the Fort Lapwai Reservation, Idaho, and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont.

Formal contracts with these tribes, except those of the Flathead reserve, were entered into with Messrs. Serven, Joyce & Barlow and John G. Carter, attorneys of this city, which in the cases of the Indians of the Blackfeet Reservation and of the Gros Ventre Tribe specify that the fees should be fixed by the Court of Claims at not to exceed 10 per cent of the amounts recovered. These were approved by the department under section 2103 of the United States Revised Statutes upon the condition, which the attorneys accepted, that such fees should in no event exceed $25,000 in the respective cases. The contract with the Nez Perces contained the limitation last mentioned, and accordingly was not modified in the approval by the department.

Suits were filed by these lawyers in behalf of their clients in the Court of Claims July 10, 1925, and are still pending. Although formal contract was entered into by Mr. A. A. Grorud with the Flathead Nation, he failed to file suit within the time allowed by the act cited, and his contract has expired by limitation.

September 17, 1828, the Tribal Council of the Gros Ventres passed a resolution requesting that the limitation of $25,000 be removed; and a similar resolution was passed November 26, 1828, by a council of the Indians of the Blackfeet Reservation.

Similar bills, H. R. 13317 and S. 4191, were introduced in the Seventieth Congress, first session, and the chairmen of the Committees on Indian Affairs subsequently requested that reports thereon be withheld until the attorneys of record could obtain the formal wishes ot the Indians interested. Reports were accordingly not made.

The attorneys have explained informally that they have been unable up to the present time to obtain the views of the Nez Perces in the matter.

As these tribes with the exception of the Nez Perces have formally requested the removal of the limit ot $25,000 on the attorney's fees, this department sees no objection to the enactment of the proposed legislation should it be so amended as to exclude the Nez Perces until their formal consent has been given thereto. It is accordingly recommended that the bill be amended as follows:

Page 2, line 8, after the word "claims", add the following:

"*Provided further*, That the removal of the limitation on the attorney's fees herein contained shall apply to the Nez Perces only when they shall have given their formal consent thereto."

C. J. RHOADS *Commissioner.*

○

BEFORE THE COMMITTEES ON INDIAN AFFAIRS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SIXTY EIGHTH CONGRESS, FIRST SESSION.

STATEMENT IN REGARD TO S.321 AND H.R.3444, FOR THE RELIEF OF CERTAIN NATIONS OR TRIBES OF INDIANS IN MONTANA, IDAHO, AND WASHINGTON.

---

1. The Indians seeking relief under the above entitled bills are at present known as the Blackfeet Indians, on the Blackfeet Indian Reservation; the Gros Ventres Indians, on the Fort Belknap Indian Reservation; and the Flathead Indians, on the Flathead Indian Reservation, all in the State of Montana; and the Nez Perce Indians, on the Lapwai Indian Reservation in the State of Idaho, and on the Colville Indian Reservation in the State of Washington.

2. Title to land and hunting rights in the State of Montana was placed in the above tribes of Indians by the United States, under the treaty of October 17, 1855, (11 Stat.L.,657). It is claimed on behalf of these Indians that certain portions of the lands and all of the hunting rights thus conferred were never ceded by them to the United States, and the validity of their cessions of certain other portions of the lands involved is also questioned. The purpose of the above named bills is to give the Courts authority to adjudicate these matters.

3. The Blackfeet and Gros Ventres claim compensation for land in Montana, bounded by the Teton and Marias Rivers, and the Continental Divide. This land was a part of the original grant to them under the treaty of 1855, and was taken from them, without their consent, and without compensation, by Act of Congress of 1874.

4. The Blackfeet and Gros Ventres claim compensation for lands taken from them by unratified treaties, the title to which was conferred upon them by the treaty of 1855. If, however, these unratified treaties are found by the court to be valid, they claim payments due on account of such unratified treaties.

5. The Blackfeet, Gros Ventres, Flatheads and Nez Perces were given joint title to hunting rights in Montana for ninety-nine years, under the treaty of 1855, above cited. They have been deprived of these hunting rights, without their consent, and without compensation, and seek to recover fair compensation for their loss.

6. The Flatheads have an additional claim arising out of the treaty of July 16, 1855 (12 Stat.L.975). The details of this claim are unknown to the undersigned.

7. The above bills provide that in the adjudication of these claims the United States may bring set-offs and counterclaims against all of the tribes involved. These set-offs will substantially diminish the amount the Indians may hope to recover.

8. Bills proposing relief to the above tribes on account of these claims were proposed to the last Congress; were favorably reported by the Interior Department, and by the Senate and House Committees on Indian affairs. One of these bills passed the House, and the other passed the Senate, but claimants failed to obtain relief because the Senate bill was not taken up by the House and the House bill was lost in the legislative jam in the Senate during the closing hours of the Congress.

9. Undersigned represent the Blackfeet, Gros Ventres and Nez Perces Indians by virtue of contracts executed with these Indians under the provisions of existing law.

Respectfully,

SARVEN, JOYCE & BARLOW, and JOHN G. CARTER.