

Calendar No. 752

69TH CONGRESS }
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SENATE

} REPORT
No. 754

CONFERRING JURISDICTION UPON THE COURT OF CLAIMS TO HEAR, EXAMINE, ADJUDICATE, AND ENTER JUDGMENT IN ANY CLAIMS WHICH THE FLATHEAD TRIBE OR NATION OF INDIANS OF MONTANA MAY HAVE AGAINST THE UNITED STATES, AND FOR OTHER PURPOSES

MAY 3 (calendar day, MAY 5), 1926.—Ordered to be printed

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

REPORT

[To accompany S. 3107]

The Committee on Indian Affairs, to whom was referred the bill (S. 3107) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill is intended as an extension of the time within which to bring suits in the Court of Claims against the Government that expired March 13, 1926.

The Flathead Indians have for many years claimed that the Government was indebted to them for violating the provisions of a treaty entered into between the Government of the United States and the Indians in the year 1855, which treaty was ratified by the Senate of the United States. After the treaty was entered into, between these Indians and the United States, the Congress of the United States disregarding the provisions of the treaty, passed laws which in effect abrogated many of the provisions of the treaty. For this, the Indians feel that they have a cause of action against the Government of the United States and this bill merely proposes that they shall have the right to go into court and have the court determine the rights as between the parties.

The report of the Secretary of the Interior on this bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1926.

Hon. J. W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR HARRELD: Further reference is made to your letter of February 16, 1926, inclosing for a report a copy of S. 3107, a bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other purposes.

From the records of this department it appears that the Flathead Tribe or Nation of Indians has asserted a number of claims against the Government, all of which appear to be capable of adjustment by this department except the claim asserted under article 3 of the Blackfeet treaty of October 17, 1855 (11 Stat. L. 657), to which the Flathead Tribe or Nation of Indians was a party and certain claims under the Flathead treaty of July 16, 1855 (12 Stat. L. 975).

The act of Congress of March 13, 1924 (43 Stat. L. 21), granted jurisdiction to the Court of Claims to hear and determine claims of the Indians residing upon the Blackfeet, Fort Belknap, and Flathead Reservations in Montana, and the Nez Perce on the Lapwai Reservation, Idaho, and the Colville Reservation, Wash. The Blackfeet, Gros Ventre, and Nez Perce Nations of Indians in Montana filed suit No. E-427 in the Court of Claims on July 10, 1925, but the Flathead, Kootenais, and Upper Pend d'Oreilles Tribes or Nations of Indians residing upon the Flathead Reservation were not parties thereto. The time in which a suit could be filed under the above act was stipulated therein as being within two years from the date of its approval. This time expired March 13, 1926, and the Flathead and other tribes on the Flathead Reservation did not enter suit in the court.

The Flathead Indians entered into a contract with an attorney to represent them and file a petition, which contract was approved by the Commissioner of Indian Affairs and the Secretary of the Interior on June 6, 1924. Neither the Indians nor their attorneys have submitted any evidence or made any showing as to the necessity for a separate jurisdictional act. Therefore it is believed that the bill should not be favorably considered.

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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