

VETO MESSAGE RELATING TO CLAIMS OF CERTAIN BANDS OR
TRIBES OF INDIANS IN THE STATE OF OREGON

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 826) ENTITLED "AN ACT CONFERRING JURISDICTION UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE CLAIMS OF CERTAIN BANDS OR TRIBES OF INDIANS RESIDING IN THE STATE OF OREGON"

APRIL 29, 1932.—Read; referred to the Committee on Indian Affairs and ordered to be printed

To the Senate:

I am returning herewith Senate bill 826, "An act conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon," without my approval.

The bill limits the claims which can be presented to those "arising under or growing out of any treaty, agreement, act of Congress, Executive order," and then throws the door wide open by adding "or otherwise." I can not assent to the proposition that the Government should be obligated after 75 years to defend a suit for unknown claims of such ancient origin and for persons long since dead not based upon any treaty, agreement, act of Congress, or Executive order.

I want full justice for our Indian wards, and would have no objection to the presentation of claims arising under the treaties named in the bill, both ratified and unratified treaties. I am advised, however, that all funds promised to these Indians under the ratified treaties have been appropriated and paid, and that lands were set aside for and occupied by the Indians who were parties to the unratified treaties. I am further constrained to this action at a time when the Government can not assume additional and unknown burdens of expenditure.

HERBERT HOOVER.

THE WHITE HOUSE, *April 25, 1932.*

[S. 826. Seventy-second Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the seventh day of December, one thousand nine hundred and thirty-one]

An Act conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal to the Supreme Court of the United

States, by either party, as in other cases, to hear, examine, adjudicate, and render final judgment in any and all legal and equitable claims, arising under or growing out of any treaty, agreement, Act of Congress, Executive order, or otherwise, which certain Indian tribes or bands, or portions thereof, and their descendants, may have against the United States, namely, the Indians described in the ratified treaties of September 10, 1853 (10 Stat. 1018), September 19, 1853 (10 Stat. 1027), November 18, 1854 (10 Stat. 1122), November 25, 1854 (10 Stat. 1125), January 22, 1855 (10 Stat. 1143), and December 21, 1855 (12 Stat. 981); together with those described in the unratified treaties published in Senate Executive Document Numbered 25, Fifty-third Congress, first session (pages 8 to 15), except the Coos Bay, Lower Umpqua, and Siuslaw Tribes, it being the intention of this Act to include all the Indian tribes, or bands, residing in the State of Oregon, west of the Cascade Range at the dates of the said treaties, respectively, and their descendants, some of whom, in 1855, or later, were removed by the military authorities of the United States to the Siletz Coast Range and the Grande Ronde Reservation, in the said States, except the three tribes last named.

SEC. 2. That if any claim or claims be submitted to said courts hereunder they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding the lapse of time or the statutes of limitation; and any payment which may have been made upon any such claim shall not operate as an estoppel but may be pleaded as a set-off, and the United States shall be allowed to plead and shall receive credit for all sums, including gratuities if properly chargeable, paid to or expended for the benefit of any of said nations, tribes, or bands of Indians. The claim or claims of each nation, tribe, or band may be presented separately or jointly by petition, subject, however, to amendment and consolidation in proper cases. Such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant; and any nation, tribe, or band the court may deem necessary to a final determination of such suit or suits may be joined therein by order of the court.

The petition shall set forth all the facts upon which the claims are based and the laws, treaties, agreements, Executive orders, or wrongful actions of the Government under and upon which recovery is sought, and shall be signed and verified by the attorney or attorneys employed to prosecute such claim or claims and who are under contract with said Indians approved in accordance with existing law. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice designated by him, shall appear and defend the interests of the United States: *Provided*, That 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 ten years from the date of the approval of this Act.

Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall allow the attorney or attorneys access to such treaties, papers, correspondence, or records as may be proper.

SEC. 3. 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, based upon actual services rendered, together with all necessary and proper expenses incurred in the preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said nations, tribes, or bands of Indians; and if not otherwise paid, the same shall be included in the decree and shall be paid out of any sum or sums found to be due said Indians.

SEC. 4. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, 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 original judgment or decree, and thereafter shall be subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes.

JNO. N. GARNER,
Speaker of the House of Representatives.
 CHARLES CURTIS,
*Vice President of the United States and
 President of the Senate.*