

EXTENDING THE JURISDICTION OF THE COURT OF CLAIMS
TO INDIAN TREATIES.

JUNE 17, 1878.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5047.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5047) giving the Court of Claims jurisdiction of claims arising under treaties with tribes of Indians, have considered the same, and herewith report it back with amendments and recommend its passage.

The bill provides "that the Court of Claims shall be vested with jurisdiction to try and determine all claims against the United States, of Indian tribes, or individual members of tribes, having treaty relations with the United States, growing out of or arising under such treaties or any law pertaining thereto, and of all claims growing out of alleged depredations by such Indians or tribes upon the person or property of citizens of the United States, and of all claims of such Indians or tribes growing out of all alleged depredations of citizens of the United States upon the persons or property of such tribes or Indians."

In this connection it is well to observe that on the assembling of every new Congress new committees are organized, and not unfrequently it happens that new members of Congress, entirely unacquainted with our Indian relations, are appointed, whose duty it is to investigate questions of construction of treaties and laws having their origin in the early days of the present century, involving interests both to the government and to the Indians of the most delicate and complicated nature.

It is the experience of the committee that, had its members no other duty to perform but to look into and thoroughly understand the questions referred to, that duty could scarcely be well performed during one session of Congress. The delays and long time required for new members to investigate such questions necessarily defer their reports until late in the session, and then the measures are seldom reached, and the result is that these questions continually recur upon the assembling of every new Congress; and thus year after year the time of Congress is occupied in the consideration of them without perfecting any for want of time. This entails serious hardships to the parties interested as well as great cost to the government.

Independent of questions growing out of treaties between the government and the various Indian tribes affecting the rights of the government and the tribes and of individual members of the different tribes, it will be seen by reference to the report of the Secretary of the Interior

that, under the laws of Congress and growing out of treaty relations, there are now pending before Congress, for depredations by Indians on the property of citizens of the United States, claims amounting to largely over \$5,000,000, and claims arising in the same way in favor of various Indian tribes against the United States amounting to over \$6,000,000.

These claims have been accumulating in the departments since 1865, and are still increasing; some of them small in amount and others involving large sums of money. Many of them do not come within the requirements of the law, while others are of the most meritorious character. To leave them for the action of Congress is a practical denial of justice.

It would be far better, and a mercy, as well as a great saving of time and money of claimants, if Congress should ignore these treaty obligations, and repudiate them entirely, rather than keep claimants year after year knocking at its door, without finally disposing of the questions involved.

It is a notorious fact that many claims of the most meritorious character have been well established under the stringent regulations prescribed by the Secretary of the Interior, and have been recommended for payment, both by the department and by various committees of the two houses of Congress, and yet these bills have not been finally acted upon; and others that have been rejected by the department and had unfavorable action by committees, remain among the unfinished business at the end of the sessions of Congress, the result of which is that at the beginning of each session of Congress these claims, the meritorious as well as the unjust ones, are again presented.

It must be apparent that Congress cannot in the next quarter of a century act upon and finally dispose of the several thousand claims already accumulated of the character referred to.

With the adoption of the following amendments, the committee recommend the passage of the bill, viz:

In line 13, section 1, after the word "that" and before the word "no" insert "on depredation claims."

Same section, line 19, between the words "any" and "claim" insert "such," and after "claim," "accruing prior to January 11, 1866," and strike out balance of said line, viz: "already barred by limitation of law."

In section 2, line 9, between "in" and "way," insert the word "any."

In section 4, line 4, after the word "court" and before the word "appeals" insert, "without regard to any decision heretofore made in such case by any officer connected with the Indian Bureau."

In section 7, line 3, strike out "members of."

In section 8, line 12, after the word "payable" and before the word "as" insert the words "out of and."