

Calendar No. 990

69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 971

PERMIT THE CHEYENNE AND ARAPAHOE TRIBES TO FILE SUIT IN THE COURT OF CLAIMS

JUNE 1, 1926.—Ordered to be printed

MR. KENDRICK, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 4223]

The Committee on Indian Affairs, to whom was referred the bill (S. 4223) to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill has the approval of the Secretary of the Interior. It was introduced in lieu of S. 3164 and is the substitute bill which the Secretary submitted with his report on S. 3164 under date of April 9, 1926, which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 9, 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 18, 1926, requesting a report on S. 3164, a bill authorizing the Arapaho and Cheyenne Tribes of Indians residing in Wyoming, Montana, and Oklahoma to submit their claims against the Government to the Court of Claims for adjudication.

The records show that the claims of the Indians are in the main based on the agreement with the Sioux and northern Cheyenne and northern Arapaho tribes dated September 3, 1876, ratified by the act of Congress approved February 28, 1877 (19 Stat. L. 254). By the terms of this agreement the Indians parties thereto ceded to the United States the territory commonly known as the Black Hills, in Wyoming and South Dakota. The southern branches of the Cheyenne and Arapaho Tribes, now residing in Oklahoma, were not parties to the cession. However, it is understood that their claim is similar to that of the northern Arapaho and Cheyenne Tribes, and that they are in effect, one people, notwithstanding that some of them were removed to the south (Oklahoma), and others allowed to remain in the north (Wyoming and Montana), and that their interests in the said claim are identical.

Congress, by the act of June 3, 1920 (41 Stat. L. 738), authorized the Sioux Nation to file suit against the United States in the Court of Claims within five years from the date of the passage of the act; and suit was filed May 7, 1923, on behalf of the Sioux Nation, containing a count relating to the Black Hills cession to which the northern Cheyenne and northern Arapaho Tribes were parties.

The present claimants allege that they were the original owners by right of occupancy and possession of the country known as the Black Hills, and that the Sioux subsequently came into their country and amalgamated with them. They have insisted that their claims to the Black Hills were in conflict with the claims of the Sioux thereto, that they be allowed to employ a separate attorney, and be permitted to file a separate suit in the matter. As the time within which such an action could be instituted on behalf of the claimants expired by limitation June 3, 1925, it is suggested that the act of June 3, 1920 (41 Stat. L. 738), be amended so as to allow the Cheyenne and Arapaho Indians two years in which to enter suit as indicated.

A draft of a substitute measure for S. 3164, to amend the said act of June 3, 1920, has been prepared, and a copy is submitted herewith.

It is accordingly recommended that the substitute bill receive your favorable consideration.

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.

A BILL To amend the act of June 3, 1920 (Forty-first Statutes at Large, page 738), so as to permit the Cheyenne and Arapaho Tribes to file suit in the Court of Claims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (Forty-first Statutes at Large, page 738), is hereby extended for the term of two years from the date of the approval of this act for the purpose only of permitting the Arapaho and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma to file a separate petition or suit in the Court of Claims, for the determination of any claim or claims of said tribes of Indians, to the whole or any part of the subject matter of any pending suit or suits hereafter brought under the terms of said act; *Provided,* That unless suit be brought within the time herein stated, all such claims shall be forever barred.

