

Calendar No. 1491

69TH CONGRESS }
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SENATE

{ REPORT
No. 1479

AMEND THE LAST PARAGRAPH OF AN ACT ENTITLED "AN ACT TO REFER THE CLAIMS OF THE DELAWARE INDIANS TO THE COURT OF CLAIMS, WITH THE RIGHT OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES"

FEBRUARY 14, 1927.—Ordered to be printed

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

REPORT

[To accompany H. R. 15602]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 15602) to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1877, Sixty-ninth Congress, second session, which is attached hereto and made a part of this report.

[House Report No. 1877, Sixty-ninth Congress, second session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 15602) to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Page 2, line 4, after the word "the" strike out the word "judgment" and insert the word "judgments".

This legislation has the approval of the Secretary of the Interior, as well as that of your committee, as evidenced by the letter attached hereto and made a part of this report.

2 TO REFER CLAIMS OF DELAWARE INDIANS TO COURT OF CLAIMS

THE SECRETARY OF THE INTERIOR,
Washington, January 26, 1927.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of December 27, 1926, inclosing for a report a copy of H. R. 15602, being a bill to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States."

The act of February 7, 1925 (43 Stat. L. 812), provides that upon the final determination of the claims of the Delaware Indians the Court of Claims shall decree such fees as may be deemed fair and reasonable for services rendered, to be paid to the attorney or attorneys, such fees not to exceed 10 per cent of the amount of the judgment recovered and in no event to exceed the sum of \$25,000.

Under date of May 13, 1925, this department approved a contract between the business committee of the Delaware Tribe of Indians and Frank J. Boudinot, an attorney at law, of Washington, D. C., in which the attorney agreed to perform the duties of an attorney for these Indians and present their claims to the Court of Claims on consideration of a fee of 10 per cent of any judgment recovered, such fee to in no event exceed \$25,000, as provided in the act. The claims of these Indians have been filed in the Court of Claims and are now in process of adjudication.

H. R. 15602 provides that the attorney fees shall be limited to not to exceed 10 per cent of the amount of the judgment recovered and in no event to be more than \$25,000 in any one claim. The bill further proposes to amend the act of February 7, 1925, supra, by authorizing the Court of Claims to decree to the estate of Richard C. Adams, deceased member of the Delaware Tribe, and its representative and attorney for many years and up to his death in October, 1921, a reasonable amount for his services as attorney and expenses paid by him to the extent of $2\frac{1}{2}$ per cent of any sums recovered to not to exceed such rate.

The records show that Richard C. Adams rendered certain services to the Delaware Indians in support of their claims, and no objections will be interposed to the amendment of the act to permit the Court of Claims to award his estate the rate indicated in the bill.

It is therefore suggested that H. R. 15602 be amended in lines 4 and 5, page 2 thereof, by changing the word "judgment," in line 4, to "judgments," and in striking out the words "and in no event to be more than \$25,000 in any one claim." This amendment is offered so as to make the wording of the act conform to the language of recent jurisdictional acts.

It is recommended that the bill, with the amendment suggested, receive favorable consideration by the Congress. The Director of the Bureau of the Budget has advised that the proposed legislation, modified as recommended in this report, would not be in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.