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**CHAP. 300.**—An Act Authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

May 14, 1926.
[H. R. 178.]
[Public, No. 228.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the Act of January 14, 1889 (Twenty-fifth Statutes at Large, page 642), or arising under or growing out of any subsequent Act of Congress in relation to Indian affairs which said Chippewa Indians of Minnesota may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

Chippewa Indians of Minnesota.
Claims of, against United States for relinquishing lands, etc., to be adjudicated by Court of Claims.

Vol. 25, p. 642.

SEC. 2. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit or suits be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this Act, and such suit or suits shall make the Chippewa Indians of Minnesota party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Chippewa Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Chippewa Indians as hereinafter provided. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Chippewa Indians to such treaties, papers, correspondence, or records as they may require in the prosecution of any suit or suits instituted under this Act.

Time for filing.

Verification, etc.

Evidence admitted.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Chippewa Indians, and any payment or payments which may have been made by the United States upon any claim against the United States by said Indians shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits as may gratuities, if any, paid to or expended for said Indians subsequent to January 14, 1889.

Counter claims to be considered.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per centum per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Chippewa Indians in and to such money or other property.

Decision of court that money or property have been unlawfully taken, etc., confined to the value at time thereof with interest allowed therefrom.

Decree a full settlement, canceling further claims

SEC. 5. If in any suit by all the Chippewas of Minnesota against the United States it appears to the court that any band or bands of said Indians are, or claim to be, the exclusive legal or equitable owners, or are entitled to, or claim, a legal or equitable interest greater than an equal distributive share with all the Chippewa Indians of Minnesota, in the proceeds of any judgment or decree

Bands with claims for a greater distributive share of interest.

that may be entered or passed in settlement of any claims submitted hereunder, the court may permit, or of its own motion compel said band or bands to be made parties to any such suit, so that their rights may be fully and finally determined: *Provided, however*, That nothing herein contained shall be construed as conferring jurisdiction on the court to entertain and hear complaints or claims of a purely individual nature. In the event that any band or bands of said Indians are made parties to any suit herein authorized, the Secretary of the Interior shall ascertain, in such manner as he may deem best, the attorney desired by a majority of said Indians and shall permit the employment of an attorney under contract to represent them as provided by existing law, the compensation to be paid said attorney to be fixed by the Secretary of the Interior, and paid out of any money in the Treasury to the credit of said band or bands of said Indians.

*Proviso.* No individual claims admitted.

Contract with attorney for such bands permitted.

Compensation.

Employment of two attorneys to prosecute suit.

SEC. 6. Authority is hereby given for the employment of not to exceed two attorneys or firms of attorneys to represent the Chippewa Indians of Minnesota in the prosecution of any such suit. Under the direction of the Secretary of the Interior the Indians belonging on the White Earth Reservation are authorized to select a committee consisting of five of their members, and all the other Chippewa Indians in Minnesota are authorized to select a like committee from their members. Each committee so selected, or a majority thereof, is authorized to designate an attorney or firm of attorneys and to execute a contract with such attorney or firm in accordance with section 2 hereof.

Committees from Indians to be selected.

Designation of attorney by each committee.

Compensation of attorneys during employment.

SEC. 7. The two attorneys or firms of attorneys authorized to be employed under section 6 shall each receive, during their employment, compensation at the rate of $6,000 per annum, for a period of not exceeding five years, payable in monthly installments as the same become due, and the Secretary of the Treasury is hereby authorized and directed to pay said amounts or installments out of the trust funds standing to the credit of said Indians in the Treasury of the United States, and upon the final determination of said suit the Court of Claims may separately allow said attorneys, or firms of attorneys, such additional compensation as it may deem just and proper considering the nature, extent, character, and value of all services rendered, but in no event shall said additional compensation for the two attorneys or firms of attorneys be in excess of 5 per centum of the total amount recovered; and in no event shall such additional compensation for the two attorneys or firms of attorneys exceed $40,000: *Provided*, That any such additional compensation shall be fixed by said court in its decree and shall be paid by the Secretary of the Treasury as herein authorized from the trust funds of said Indians standing to their credit in the Treasury of the United States.

Payable from trust funds.

Additional compensation on final determination.

Limitation.

*Proviso.* Additional compensation to be fixed in decree and paid from trust funds.

Expenses of suit to be paid from trust funds credited to the Indians.

SEC. 8. All actual and necessary expenses incurred in the prosecution of said suit by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota shall be paid by the Secretary of the Treasury as herein authorized as they arise out of the funds standing to the credit of said Indians in the Treasury of the United States upon first being allowed by said court and certified to the Secretary of the Interior.

If no attorney selected by Indian committees, contract for, to be made by Commissioner and the Secretary.

SEC. 9. Should either of the Indian committees referred to in section 6 hereof be unable or unwilling within one year from the approval by the Secretary of the Interior of the selection of said committees, to designate an attorney or firm of attorneys, the Commissioner of Indian Affairs and the Secretary of the Interior, on behalf of the Indians, are hereby authorized to execute a contract

with an attorney or attorneys under such terms and conditions as they may deem advisable, not inconsistent with the terms of this Act.

Amounts recovered to be deposited to credit of the Indians.

SEC. 10. The proceeds of all amounts, if any, recovered for said Indians 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 5 per centum per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States.

Costs taxed against losing party.

Approved, May 14, 1926.

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May 17, 1926.
[S. 952.]
[Public, No. 229.]

**CHAP. 301.**—An Act Authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship Georgia.

"Georgia," Battleship.
Silver service presented to, by citizens of Georgia, to be delivered to the State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of Georgia, to deliver to such Governor as custodian for such State, the silver service presented to the United States for the battleship Georgia by citizens of the State of Georgia; but no expense shall be incurred by the United States for the delivery of such silver service.

No expense.

Approved, May 17, 1926.

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May 17, 1926.
[S. 2828.]
[Public, No. 230.]

**CHAP. 302.**—An Act To provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease.

Army and Navy.
No pay to person in active service absent more than a day from use of intoxicants or habit-forming drugs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the effects of a disease, as distinguished from injury, which is directly attributable to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence.

No pay to person in active service absent more than a day from effects of a venereal disease.

SEC. 2. That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service.

*Proviso.*
Period of absence.

Regulations to be prescribed.

SEC. 3. That for all purposes within the scope of this Act the period of absence and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, and such determination shall be final and conclusive for all purposes.