

VETO MESSAGE ON H. R. 5230, A BILL TO CONFER JURISDICTION  
UPON THE COURT OF CLAIMS TO HEAR CLAIMS OF THE STOCK-  
BRIDGE AND MUNSEE TRIBE OF INDIANS

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M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

TO THE HOUSE OF REPRESENTATIVES WITHOUT HIS APPROVAL  
THE BILL H. R. 5230, "AN ACT TO CONFER JURISDICTION UPON  
THE COURT OF CLAIMS TO HEAR CLAIMS OF THE STOCKBRIDGE  
AND MUNSEE TRIBE OF INDIANS"

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AUGUST 9, 1935.—Referred to the Committee on Indian Affairs and ordered  
to be printed

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*To the House of Representatives:*

I return, without approval, H. R. 5230, "An act to confer jurisdiction upon the Court of Claims to hear claims of the Stockbridge and Munsee Tribe of Indians."

The bill involves a claim for an unexpended balance of \$48,823.61 out of an appropriation of \$95,000 made by the Indian Appropriation Act of 1916. The facts in connection with the claim are set out in Senate Report 1091 (74th Cong.).

The Court of Claims was given jurisdiction over the claims of this tribe by the act of June 7, 1924 (43 Stat. L. 644). The claims were filed under said act and a decision adverse to the contentions of the Indians was rendered by the Court of Claims. The same claims were again filed and were dismissed by the court on demurrer for the reason that the issues involved were controlled by its prior decision and the case was *res judicata*.

No other claims have been asserted by these Indians against the United States, and there appears to be no reason why the Court of Claims should again be burdened with a retrial of the case.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, August 9, 1935.

## H. R. 5230

SEVENTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON THURSDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE

AN ACT To confer jurisdiction upon the Court of Claims to hear claims of the Stockbridge and Munsee Tribe of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction be, and it is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Stockbridge and Munsee Tribe of Indians, or arising under or growing out of any Act of Congress or Executive order in relation to Indian affairs or for the misappropriation of any of the funds, lands, or property of said tribe, or for the failure of the United States to pay said tribe any money or other property due, which said Stockbridge and Munsee Tribe of Indians may have against the United States, which claims have not heretofore been determined or adjudicated on their merits by the Court of Claims and the Supreme Court of the United States: *Provided,* That claims asserted in actions brought under the Act of June 7, 1924 (43 Stat. 644), may be filed under this Act and shall be tried on their merits.

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 petitions be 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 Stockbridge and Munsee Tribe of Indians party plaintiff and the United States party defendant. The petitions shall be verified by the attorney employed by said Stockbridge and Munsee Tribe of Indians to prosecute such claim or claims under contract with said tribe of Indians, made and approved in accordance with existing law.

SEC. 3. 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 of said Stockbridge and Munsee Tribe of Indians to such treaties, papers, correspondence, and records as may be needed by the attorney in the prosecution of any suits under this Act.

SEC. 4. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Stockbridge and Munsee Tribe of Indians, and any payment which the United States may have made to or for the benefit of said Stockbridge and Munsee Tribe of Indians prior to the date of adjudication shall not operate as an estoppel but may be pleaded as an offset in said suit.

SEC. 5. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to any such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. That upon the final determination of any suit instituted under this Act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney so employed by said Stockbridge and Munsee Tribe of Indians for the services and expenses of said attorney rendered or incurred subsequent to the date of approval of this Act: *Provided,* That in no case shall the aggregate amounts decreed by the said Court of Claims for services be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per centum of the amount of recovery against the United States.

JOSEPH W. BYRNS,  
*Speaker of the House of Representatives.*  
JOHN N. GARNER,  
*Vice President of the United States and President of the Senate.*

[Endorsement on back of bill.]

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE, *Clerk.*