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Recommended Citation

H.R. Rep. No. 114, 54th Cong., 1st Sess. (1896)

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PAYMENT OF LEGAL SERVICES RENDERED CERTAIN INDIANS.

JANUARY 23, 1896.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 2917.]

The Committee on Indian Affairs, to whom was referred the bill H. R. 2917, respectfully submit the following report:

This bill authorizes and directs the Secretary of the Interior to pay, out of a fund in his hands owned by certain Indians, for legal services rendered said Indians in preserving said fund to them.

It is a matter of extreme simplicity and unassailable merit. The facts are these:

After about twenty years of pendency, a claim made by the "Old Settlers" or Western Cherokee Indians against the United States was adjudged in their favor by the courts, and on August 23, 1894, \$800,386.31 was appropriated by Congress in payment of the judgment. Of the amount which should be finally recovered the Indians had set apart, in many annual councils, 35 per cent to meet the expenses incident to the prosecution and final settlement of the claim. During the long pendency of the claim a large number of persons had been employed by the Old Settlers to aid in its prosecution. Of these some had died, having performed their contracts in small part only; some had abandoned their employment after small service, and some had rendered no service whatever. It was anxiously feared by the Indians that many unjust demands would be made on them for compensation where service had not been rendered, or for greater compensation than the service actually rendered merited. To protect their fund from this anticipated raid upon it, the Indians, in council at Tahlequah, Ind. T., on June 29, 1891, passed the following resolution:

Moved, that the sum of one (1) per cent out of the 35 per cent be allowed Jones & Voorhees, attorneys, of Washington, D. C., to defend to a final termination the interests of the Old Settlers against all spurious, unfinished, or unreasonable claims by attorneys or other persons claiming to have rendered services in securing or aiding in the collection of the Old Settler claim. Carried.

Based upon the resolution, a contract was made with Mr. Jones and Mr. Voorhees, November 20, 1891, on behalf of the Indians, by which they undertook the defense of the Indians and the fund, when recovered, against all improper and unjust demands.

The fears of the Indians of unrighteous exactions did not exceed the reality of the attempts made upon them. Claims for fees were filed against their fund in the Interior Department in great number, aggregating in amount over \$500,000.

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Every claim made, which was not admitted to be just by the Indians, was contested by Mr. Voorhees and vigorously fought, the work actually done being the searching for evidence and the building up of records, briefing, and oral arguments. This work covered months, and was very onerous in character.

As the result of the fight so made the cost of the prosecution of the claim was reduced from the \$500,000 demanded to about \$180,000. The amount which, under the law, the Secretary had the power to pay out for the prosecution was the 35 per cent set apart by the Indians, or about \$280,000. The amount actually saved, therefore, to the Indians by this defense was about \$100,000.

Your committee finds that the services called for by the contract have been very efficiently and fully performed; the Indians have received the services; the services have borne generous fruit. On every consideration these gentlemen are entitled to the stipulated compensation, and peculiarly so since it is to be *paid out of the money preserved to the Indians by the services for which payment is asked.*

Upon application to the Interior Department for its payment, it was held by the Secretary that he was without authority, under the existing law, to pay for this particular service; that his authority was limited to the payment for services rendered in securing the judgment and appropriation of the money, and that it did not extend to payment for services rendered in preserving the money to the Indians and securing its actual payment to them.

Your committee recommend, therefore, that the bill do pass as amended by your committee, namely, with line 10, beginning at the word "upon," and line 11 struck out.

