

Col--Laurence C. Phipps, R.

Rice W. Means, R.

Del. T. Coleman DuPont, R.

Idaho--Wm. B. Borah, R.

Illinois, Charles S. Censen--R.

Iowa--Smith Wildman Brookhart, R.

Kansas--Arthur Capper--R.

Ky-- Fredrick M. Sackett, R.

Mass.--Frederick H. Gillett--R.

Michigan--James Cousens--R.

Minn.--Thomas D. Schell--R.

Neb--George W. Norris--R.

New Hampshire--Henry W. Keyes--R.

New Jersey--Walter E. Edge--R.

Okla--W. B. Pine--R.

Oregon--Charles L. McNary--R.

Rhode Island--James H. Metcalf--R.

So. D.--W. H. McMaster--R.

W. Virginia--Guy D. Goff--R.

Tyo--Frances E. Warren--R.

Maine--bert M. Fernald--R. re-elected Sept 8. 24--

Governors elected Nov 4th, 1924---

Col--Clarence T. Morley--R.

Conn--Hiram Bingham--R.

Del--Robert P. Robinson--R.

Idaho--Charles C. Moore--R.

Ill--Len Small--R.

Ind--Ed Jackson--R.

[PUBLIC--No. 57--65TH CONGRESS.]

[H. R. 4457.]

An Act Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes.

*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, 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 any treaty or agreement between the United States and the Cherokee Indian Nation or Tribe, or arising under or growing out of any Act of Congress in relation to Indian affairs, which said Cherokee Nation or Tribe 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.

SEC. 2. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this Act, and such suit shall make the Cherokee Nation 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 Cherokees approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. 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 Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this Act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. 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 or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this Act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees 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.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

Approved, March 19, 1924.