

68TH CONGRESS,
1ST SESSION.

Union Calendar No. 22

H. R. 4457

[Report No. 68.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 3, 1924.

Mr. HASTINGS introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

JANUARY 19, 1924.

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That jurisdiction be, and is hereby, conferred upon the
4 Court of Claims, notwithstanding the lapse of time or stat-
5 utes of limitation, to hear, examine, and adjudicate and
6 render judgment in any and all legal and equitable claims
7 arising under or growing out of any treaty or agreement
8 between the United States and the Cherokee Indian Nation
9 or Tribe, or arising under or growing out of any Act of
10 Congress in relation to Indian affairs, which said Cherokee

1 Nation or Tribe may have against the United States, which
2 claims have not heretofore been determined and adjudicated
3 on their merits by the Court of Claims or the Supreme Court
4 of the United States.

5 SEC. 2. Any and all claims against the United States
6 within the purview of this Act shall be forever barred un-
7 less suit be instituted or petition filed as herein provided
8 in the Court of Claims within five years from the date of
9 approval of this Act, and such suit shall make the Cherokee
10 Nation party plaintiff and the United States party de-
11 fendant. The petition shall be verified by the attorney or
12 attorneys employed to prosecute such claim or claims under
13 contract with the Cherokees approved by the Commissioner
14 of Indian Affairs and the Secretary of the Interior; and
15 said contract shall be executed in their behalf by a com-
16 mittee chosen by them under the direction and approval
17 of the Commissioner of Indian Affairs and the Secretary
18 of the Interior. Official letters, papers, documents, and rec-
19 ords, or certified copies thereof, may be used in evidence,
20 and the departments of the Government shall give access
21 to the attorney or attorneys of said Indian nation to such
22 treaties, papers, correspondence, or records as may be needed
23 by the attorney or attorneys of said Indian nation.

24 SEC. 3. In said suit the court shall also hear, examine,
25 consider, and adjudicate any claims which the United States

1 may have against said Indian nation, but any payment
2 which may have been made by the United States upon
3 any claim against the United States shall not operate as
4 an estoppel, but may be pleaded as an offset in such suit.

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

9 SEC. 5. That upon the final determination of any suit
10 instituted under this Act, the Court of Claims shall decree
11 such amount or amounts as it may find reasonable to be paid
12 the attorney or attorneys so employed by said Indian nation
13 for the services and expenses of said attorneys rendered or
14 incurred prior or subsequent to the date of approval of this
15 Act: *Provided*, That in no case shall the aggregate amounts
16 decreed by said Court of Claims for fees be in excess of the
17 amount or amounts stipulated in the contract of employment,
18 or in excess of a sum equal to 10 per centum of the amount
19 of recovery against the United States.

20 SEC. 6. The Court of Claims shall have full authority
21 by proper orders and process to bring in and make parties
22 to such suit any or all persons deemed by it necessary or
23 proper to the final determination of the matters in contro-
24 versy.

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

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