

~~House~~ *Passed*
Feb 5-7, Feb. 5: 1924

68TH CONGRESS,
1ST SESSION.

H. R. 4457

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.

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
11 Nation or Tribe may have against the United States, which
12 claims have not heretofore been determined and adjudicated

1 on their merits by the Court of Claims or the Supreme Court
2 of the United States.

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

22 SEC. 3. In said suit the court shall also hear, examine,
23 consider, and adjudicate any claims which the United States
24 may have against said Indian nation, but any payment
25 which may have been made by the United States upon

1 any claim against the United States shall not operate as
2 an estoppel, but may be pleaded as an offset in such suit.

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

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

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

23 SEC. 7. A copy of the petition shall, in such case, be
24 served upon the Attorney General of the United States, and

1 he, or some attorney from the Department of Justice to
2 be designated by him, is hereby directed to appear and
3 defend the interests of the United States in such case.

87TH CONGRESS,
1ST SESSION.

H. R. 445

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.

By Mr. HASTINGS.

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