

ure of crops, from unavoidable cause, in the year of eighteen hundred and seventy-nine, or eighteen hundred and eighty, to leave and be absent from said lands until the first day of October, eighteen hundred and eighty-one under such rules and regulations as to proof and notice as the Commissioner of the General Land Office may prescribe; and during said absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

Time for pay-  
ment extended for  
one year.

SEC. 2. That the time for making final proof and payment by such pre-emptors is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act; but in cases where the purchase money is by law payable in installments, the first unpaid installment shall be held not to be due until one year after the expiration of the leave of absence aforesaid.

Approved, June 4, 1880.

June 4, 1880.

**CHAP. 123.**—An act to permit Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims.

1868, ch. 186.  
Stat., 15, 167.  
Preamble.

Whereas, the United States by the enactment of the one hundred and seventh section of the act of Congress approved the twentieth day of July, anno Domini eighteen hundred and sixty-eight superseded the tenth section of the treaty entered into by and between the United States and the Cherokee Nation on the nineteenth day of July, anno Domini eighteen hundred and sixty-six; and

Whereas the property of Elias C. Boudinot, a Cherokee Indian, was seized and disposed of by the authorities of the United States in consequence of the enactment of said one hundred and seventh section, although the Supreme Court of the United States in its opinion expressed in the case prosecuted by said Elias C. Boudinot to test the constitutionality of said one hundred and seventh section and the validity of the said seizure and disposition of his property, and reported in eleventh Wallace United States Supreme Court Reports, page six hundred and sixteen entitled "The Cherokee Tobacco", declared "that there was no ground for any imputation upon the integrity or good faith of" him, the said Elias C. Boudinot; and, further, that it is to be presumed that if a wrong has been done to him, the said Elias C. Boudinot, the Congress of the United States will promptly give the proper relief if applied to by the said Elias C. Boudinot; and

Whereas the Supreme Court of the United States was not called upon to decide, and did not decide, whether the executive officers of the United States had taken the necessary steps to make operative said one hundred and seventh section in said Cherokee Nation anterior to said seizure of the property of said Elias C. Boudinot; and

Whereas there is grave doubt that such steps were taken, and it manifestly appears that a wrong has been done to said Elias C. Boudinot, in consequence of the casual infraction of the said treaty, which should be repaired by appropriate satisfaction in maintenance of said treaty, which still subsists; Now therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to give Elias C. Boudinot, of the Cherokee Nation the proper relief for the wrong done him by reason of said seizure and disposition of his property, he, the said Elias C. Boudinot, be, and he is hereby, authorized to bring suit in the Court of Claims against the United States Government, to recover what may be due to him in justice and equity for the loss inflicted upon him by reason of said seizure for an alleged violation of the internal-revenue laws, of his property, a tobacco factory, its detention, and damage thereto whilst under seizure, the value of the tobacco, material, and other personal property also seized, and the expenses to which he was subjected thereby.

Elias C. Boudi-  
not authorized to  
bring suit in Court  
of Claims.

Approved, June 4, 1880.