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same; and for that purpose sufficient land for the construction and maintenance of the same, not to exceed, however, one thousand acres and not to interfere with any buildings or improvements on said reservation: *Provided, however*, That the said company shall supply the garrison, gardens, and orchards of Fort Lowell, free of charge, such quantities of water as may be required for irrigating purposes, not to exceed one hundred miner's inches, and the location of the said canals and water-ways to be subject to the approval of the Secretary of War.

Proviso.

Water for Fort Lowell.

Approved, February 25, 1889.

February 25, 1889.

CHAP. 238.—An act to authorize Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Claim of that part of the Cherokee Indians, known as the Old Settlers or Western Cherokees, against the United States, which claim was set forth in the report of the Secretary of the Interior to Congress of February third, eighteen hundred and eighty-three (said report being made under act of Congress of August seventh, eighteen hundred and eighty-two), and contained in Executive Document Number Sixty of the second session of the Forty-seventh Congress, be, and the same hereby is, referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred on said court to try said cause, and to determine what sum or sums of money, if any, are justly due from the United States to said Indians, arising from or growing out of treaty stipulations and acts of Congress relating thereto, after deducting all payments heretofore actually made to said Indians by the United States, either in money or property; and after deducting all offsets, counter-claims, and deductions of any and every kind and character which should be allowed to the United States under any valid provision or provisions in said treaties and laws contained, or to which the United States may be otherwise entitled, and after fully considering and determining whether or not the said Indians have heretofore adjusted and settled their said claim with the United States, it being the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined; and to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States, the Attorney-General shall, within sixty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Indians shall be taken within sixty days after the rendition of said judgment, and said courts shall give such cause precedence: *Provided further*, That nothing in this act shall be accepted or construed as a confession that the Government of the United States is indebted to said Indians.

Old Settlers (Western Cherokee) claims. To be determined by Court of Claims.

Vol. 22, p. 328.

Attorney-General to appear.

Appeal.

Provisos.

Time for appeal.

No liability confessed.

Form of action.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Indians claim to recover, and the amount of their claim; and said petition may be verified by the authorized agent or attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.

Approved, February 25, 1889.