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Code, as so amended, except that it may not be made effective with respect to any payment of wages to which section 1622 of such Code, as so amended, is not applicable. A certificate furnished under section 1622 (h) of such Code, as so amended, to an employer on or after January 1, 1945, and not furnished on or before the date of commencement of employment with such employer, shall take effect as provided in section 1622 (h) (3) (B) of such Code, as so amended, if such certificate is the first certificate so furnished and if on December 31, 1944, a certificate was in effect with respect to such employer under section 1622 (h) of such Code, without regard to such amendments.

57 Stat. 135.
26 U. S. C., Supp. III, § 1622 (h).
Ante, p. 53.

(f) CHANGE OF STATUS AFTER JULY 1, 1944.—Effective (despite the provisions of section 21) with respect to wages paid during the calendar year 1944, section 1622 (h) (1) (relating to withholding exemption certificates furnished by reason of a change of status) is amended by striking out ", if furnished by reason of a change of status occurring on or before July 1 of the calendar year,".

Ante, p. 247.
Ante, p. 53.

Approved May 29, 1944, 7 p. m., E. W. T.

[CHAPTER 211]

JOINT RESOLUTION

May 29, 1944
[H. J. Res. 166]
[Public Law 316]

To provide for the disposition of the proceeds to accrue as a result of the interlocutory judgment of the Court of Claims in the suit brought against the United States by the Menominee Tribe of Indians, and for other purposes.

Whereas the United States Court of Claims, by interlocutory judgment of December 1, 1941, in a suit by the Menominee Tribe of Indians against the United States, Numbered 44294, brought pursuant to the provisions of the Act of September 3, 1935 (ch. 839, 49 Stat. 1085), as amended, found and held that the Menominee Indians are entitled to recover from the United States the value of timber removed from, and the present acquisition cost of, certain swamplands within the boundaries of their reservation which the United States, in violation of the provisions of the treaty of May 12, 1854 (10 Stat. 1064), failed to convey to the Menominee Indians, but reserved for further proceedings the determination of the amount of the recovery and the deduction of offsets, if any; and

Whereas said Act of September 3, 1935, provided that in the event of a judgment against the United States as aforesaid, the United States may in lieu of paying the present acquisition costs of such lands acquire and hold said lands in trust for the sole benefit and use of the Menominee Tribe of Indians, but provided no method for exercising such election: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That upon petition of the attorneys for the Menominee Tribe of Indians, the Court of Claims shall, in order to give effect to its interlocutory judgment, enter judgment in favor of the said tribe for (a) $13,666.80, representing the amount of the recovery by reason of the timber removed since May 12, 1854, from the swamplands which the court has found the United States unlawfully failed to convey to the said tribe pursuant to the treaty of May 12, 1854; and (b) $1,767,616.11, representing the present acquisition cost of such lands to the said tribe of Indians; and no offsets, including gratuities, shall be allowed to the United States in determining the amount of such judgment, but any such offsets which the United States may have, including gratuities, as defined in section 3 of the Act of September 3, 1935 (ch. 839, 49 Stat. 1085), as amended, may be pleaded and allowed in any other suit now pending or here-

Menominee Tribe of Indians.
Judgment for certain timbered swamplands.

10 Stat. 1064.

Offsets.

after to be brought by the Menominee Tribe of Indians against the United States.

Certification to Congress.

SEC. 2. Upon the entry of such judgment, which shall not bear interest, a copy or transcript thereof, certified by the clerk of the Court of Claims, and signed by the Chief Justice, or in his absence by the presiding judge of said court, shall be presented, as in other cases, to the Secretary of the Treasury, who shall certify the same to the Congress for appropriation.

Attorneys' fees.

SEC. 3. After the entry of such judgment, the Court of Claims, without awaiting the appropriation by the Congress of money to pay the same, shall, on petition of attorneys for the Menominee Tribe of Indians, determine the amount of fees which the attorneys for the Menominee Tribe of Indians shall be entitled to receive under section 7 of the Act of September 3, 1935, as amended.

49 Stat. 1088.

Payment.

SEC. 4. Upon the making of an appropriation by the Congress for the payment of the judgment rendered there shall be set aside from such appropriation a sum sufficient to pay the attorneys' fees, which shall, however, not be paid until after the completion of the purchase of the swamplands specified in section 1 (b), as hereinafter provided; said appropriation to be disbursed by the Secretary of the Interior as herein provided. The portion of such judgment representing the value of the timber specified in section 1 (a) less the pro rata amount thereof deductible for attorneys' fees, in the same ratio that the total amount of attorneys' fees bears to the amount of the judgment, shall upon the completion of the purchase of the said swamplands be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians as provided in the last sentence of section 7 of the Act of September 3, 1935, as amended. The balance of the appropriation shall be available for the purchase from the State of Wisconsin, but not by eminent domain, of the swamplands specified in section 1 (b). The purchase of the said swamplands shall be made by the Secretary of the Interior, who is authorized to accept on behalf of the United States a quitclaim deed or other form of conveyance to such lands satisfactory to the Attorney General of the United States. Title to such lands shall be taken in the name of the United States in trust for the Menominee Tribe of Indians. The United States shall acquire and hold such lands for the sole benefit and use of the said Indians as if they had become part of the Menominee Reservation pursuant to the treaty of May 12, 1854.

Deposit of net amount to credit of tribe.

49 Stat. 1088.

Purchase of swamplands from State of Wisconsin.

Title in trust for Menominee Tribe.

10 Stat. 1064.

Time limit for completion of purchase.

SEC. 5. In the event that said purchase is not completed within one year after the entry of judgment by the Court of Claims, then, upon petition of the Attorney General or the attorneys for the Menominee Tribe of Indians, the Court of Claims shall vacate and set aside the said judgment entered pursuant to section 1 hereof. Thereupon the court shall proceed to determine, as provided by the Act of September 3, 1935, as amended, the amount of offsets, if any, deductible from the amounts specified in sections 1 (a) and 1 (b) of this Act, and shall render final judgment pursuant to the terms of the Act of September 3, 1935, as amended. In rendering final judgment under this section, the court may redetermine the amount of the attorneys' fees. Such judgment shall be satisfied from the appropriation made pursuant to sections 2 and 4 hereof; and any balance of moneys appropriated shall thereupon be carried to the general fund of the Treasury of the United States.

Final judgment.

49 Stat. 1085.

Modification of conflicting laws.

SEC. 6. All Acts or parts of Acts in conflict herewith, including the Act of September 3, 1935, are, to the extent of such conflict, modified accordingly.

Approved May 29, 1944.