

[CHAPTER 777]

AN ACT

June 28, 1938
[H. R. 4540]
[Public, No. 755]

Authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

Red Lake Band of
Chippewa Indians,
Minn.
Jurisdiction conferred upon Court of
Claims to hear, etc.,
claims of.

13 Stat. 667.

25 Stat. 642.
Right of appeal.

Proviso.
Claims limited to
designated provisions.

Determination
without regard to
statutes of limitation,
etc.

Counter claims.

Amendments to pe-
tition.

Verification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, to hear, determine, and render final judgment, according to principles of justice and equity and as upon a full and fair arbitration, on all claims of the Red Lake Band of Chippewa Indians in the State of Minnesota against the United States for the value of unceded lands, for losses sustained by reason of erroneous surveys of reservation boundaries, or on claims arising under the treaty of October 2, 1863 (13 Stat. 667), or under any treaty, agreement, Executive order, or Act of Congress, except the Act of January 14, 1889 (25 Stat. 642), with the right of appeal by either party to the Supreme Court of the United States, anything in the Judicial Code of the United States to the contrary notwithstanding for the determination of the amount, if any, which may be legally or equitably due the said Red Lake Band of Chippewa Indians, under any treaties or agreements entered into between said Indians and the United States, or for the failure of the United States to pay any money which may be legally or equitably due the said Red Lake Band of Indians: *Provided*, That in any suit filed under the provisions of this Act, in which there is presented any claim against the United States for the appropriation, expropriation, taking, acquisition, or deprivation of land or any interest therein the jurisdiction hereby conferred to hear and determine any such claim is limited to the determination of the value of said land, the timber thereon, or any interest therein, at the time of the appropriation, expropriation, taking, acquisition, or deprivation, and no judgment shall be rendered by the Court of Claims which includes any increment, interest, or equivalent thereof, from the date of taking to the date of judgment, as an element of just compensation or otherwise.

SEC. 2. In any suit or suits instituted hereunder the Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding lapse of time or statutes of limitation.

SEC. 3. The court shall also hear, examine, consider, and adjudicate any claim or claims which the United States may have against the said Red Lake Band, properly chargeable in such suit, including gratuities not heretofore charged; but any payment or payments which have been made by the United States upon such claim or claims shall not operate as an estoppel, but may be pleaded by way of set-off; and any other tribe or band of Indians which the court may deem necessary to a final determination of any suit hereunder may be joined therein as the court shall order.

SEC. 4. A petition or petitions may be filed hereunder in the Court of Claims within five years after the date of this Act which shall be subject to amendment at any time prior to final submission of the case to the Court of Claims; and the Red Lake Band of Chippewa Indians in the State of Minnesota shall be the party plaintiff, and the United States the party defendant. The petition or petitions may be verified by the attorney employed by the said Indians to prosecute their claims, under a contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, and no other verification shall be necessary.

SEC. 5. Upon final determination of any suit hereunder the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by the said Indians, under contract in accordance with existing law, and the same shall be paid out of any sum or sums of money found due said Red Lake Band: *Provided*, That in no case shall the fees decreed be in excess of 10 per centum of the amount of the judgment.

Approved, June 28, 1938.

Attorneys' fees and expenses.

Proviso.
Limitation.

[CHAPTER 778]

AN ACT

To provide for the residence of the United States commissioners appointed for the national parks, and for other purposes.

June 28, 1938
[H. R. 5804]

[Public, No. 756]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any United States commissioner appointed for any of the several national parks shall reside within the exterior boundaries of the park for which he is appointed or at a place reasonably adjacent to such park, the place of residence to be designated by the Secretary of the Interior.

National parks.
Residence requirements, United States commissioners.

SEC. 2. Any such commissioner heretofore appointed shall be entitled to receive the salary provided by law, which may have accrued at the date this Act becomes effective, without regard to whether such commissioner may have resided within the exterior boundaries of the park for which appointed.

Accrued salary payment.

SEC. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Inconsistent laws, etc., repealed.

Approved, June 28, 1938.

[CHAPTER 779]

AN ACT

To authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina.

June 28, 1938
[H. R. 7515]

[Public, No. 757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, with the approval of the Eastern Band of Cherokee Indians expressed through its duly constituted tribal authorities or by a majority vote of the qualified members of the said band voting at an election called by the Secretary of the Interior in which at least 30 per centum of those entitled to vote shall vote, to sell and to convey to the purchasers any lands held by the United States in trust for the Eastern Band of Cherokee Indians lying outside of the Qualla boundary: *Provided*, That a separate approval by the Indians as herein provided must be had as to each tract proposed to be sold. Funds received from sales herein authorized shall be deposited in the Treasury to the credit of the Eastern Band of Cherokee Indians and shall be available for future appropriation for such purposes as the tribal council may approve, including the purchase of other lands for said Indians. Title to any land purchased under this authority shall be taken in the name of the United States of America in trust for the Eastern Band of Cherokee Indians. Any lands so purchased shall have the same status as other tribal lands of the said Eastern Band of Cherokee Indians.

Eastern Band of Cherokee Indians, N. C.
Sale of certain lands authorized.

Proviso.
Separate approval by Indians as to each tract.
Deposit of funds received to credit of Indians; use of.

Status of lands purchased.

Approved, June 28, 1938.