

2-23-1885

## Report : Claim of the Western Cherokees

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IN THE SENATE OF THE UNITED STATES.

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FEBRUARY 23, 1885.—Ordered to be printed.

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Mr. INGALLS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 2656.]

*The Committee on Indian Affairs, to whom was referred Senate Executive Document No. 14, first session of the present Congress, on the subject of the claim of the "Old Settlers" or Western Cherokee Indians, and also Senate bill No. 1906, have had the same under consideration, and report:*

That, on the 12th day of February, 1884, the committee referred the claim of the "Old Settlers" or Western Cherokees to the Court of Claims for the investigation of the facts involved therein, in accordance with the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, together with the vouchers, papers, proofs, and documents appertaining thereto, and to report to the committee its finding of the facts relating to said claim.

On the 2d day of February, 1885, that court certified to the committee its findings of facts. The court, however, not being authorized by the act under which the reference was made to determine the questions of law involved, found the facts *alternatively* as to the amount due from the United States to those claimants contingent upon the construction to be placed upon the treaty stipulations and acts of Congress relating to the said claim. The committee find that a proper determination of the law applicable to the facts found by the Court of Claims in the case of the "Old Settlers" or Western Cherokees involve the interpretation of several treaties and acts of Congress. And inasmuch as such a determination of those legal questions is important to both the Government and these claimants, and inasmuch as the committee, with its other important duties of a public nature, have not the time to give such legal questions that careful and thorough examination they deserve, the committee are of opinion that said questions ought to be submitted to a competent judicial tribunal for investigation and decision.

The committee find that the claim of the Cherokee Nation (or Eastern Cherokees) contained in section 6 of Senate bill No. 1905 (being the amount mentioned in Report No. 2, contained in Senate Executive Document No. 60, second session Forty-seventh Congress) has not been

