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The allegations of the petition show that the named individual parties are, respectively, descendants of a member of a group of Cherokee Indians known as the Western Cherokees, and that they assert a common claim for the use and benefit of all members or descendants of members of that group.

The defendant has challenged the right of the plaintiffs to present this claim and the jurisdiction of the Commission to entertain it by a timely motion to dismiss the petition on the ground that the Western Cherokee Indians is not an identifiable group of American Indians under the Indian Claims Commission Act.

Thus, it will be seen, that the question raised by the motion here is the same as that raised in Docket No. 24, hence what was said in the opinion in that case, Docket No. 24, applies to this case, therefore, need not be repeated. So, on the basis of said opinion, the motion of the defendant must be overruled.

SEP 18 1950