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Edwin D. Chadick and R. T. Wilson & Co.

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H.R. Rep. No. 567, 53rd Cong., 2nd Sess. (1894)

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EDWIN D. CHADICK AND R. T. WILSON & CO.

MARCH 10, 1894.—Laid on the table and ordered to be printed.

Mr. TERRY, from the Committee on the Judiciary, submitted the following

ADVERSE REPORT:

[To accompany H. Res. 134.]

The Committee on the Judiciary have had under consideration the joint resolution (H. Res. 134) authorizing the Court of Claims to determine the rights of Edwin D. Chadick and R. T. Wilson & Co. in the loan of \$6,640,000, loaned by the Cherokee Nation to the United States under the provision of the act of March 3, 1893, in relation to the Cherokee Outlet, and are of the opinion that the same should not be adopted.

From the time of the first treaty with them in 1785 the Cherokees have been treated as a separate people, having a semiindependent position when they preserved their tribal relation, with power of regulating their internal and social relations, and have been allowed to preserve their autonomy. (5 Peters, 16; 118 U. S., 279.)

They have their political organization, their legislature, their executive, and their courts. All parties dealing with them are charged with notice of these facts and conditions. The act of March 3, 1893, contemplated that upon their compliance with the contract authorized to be entered into between them and the Secretary of the Interior the United States would be indebted to them in the sum of \$8,300,000, deferred payments for purchase money of the Cherokee Outlet, and

That if the legislative council of the Cherokee Nation shall deem it more advantageous to their people, they may issue a loan for the principal and interest of the deferred payments, pledging said amount of the interest and principal to secure payment of such debts.

The Cherokees have complied with that contract—have conveyed the lands embraced in the Cherokee Outlet to the United States—and in order to avail themselves of the credit due them for the second, third, fourth, and fifth installments of said deferred payments the accredited delegates of the said Cherokee Nation are now here asking the Secretary of the Interior to approve their assignment of said indebtedness to R. T. Wilson & Co., under act of the Cherokee council of January 6, 1894, and the Secretary of the Interior is ready to approve said assignment. The effect of the passage of the proposed resolution in favor of Edwin D. Chadick would be tantamount to this Congress passing a special act to authorize a suit in his favor against the Cherokee Nation upon an alleged contract with said Chadick, which they do not recognize, and would also have effect to *impound* the \$6,640,000 of bonds by which said Cherokees propose to avail themselves of the benefits of said act of March 3, 1893.

Your committee regard such legislation as highly improper, and therefore report said resolution back with the recommendation that it do not pass.