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Letter from the Secretary of the Interior, transmitting, in response to resolution of the Senate of January 25, 1899, information relative to the claim of the Old Settler Cherokees on account of interest alleged to be due them under the resolution of the Senate provided under the Treaty of 1846.

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OLD SETTLER CHEROKEES.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF JANUARY 25, 1899, INFORMATION RELATIVE TO THE CLAIM OF THE OLD SETTLER CHEROKEES ON ACCOUNT OF INTEREST ALLEGED TO BE DUE THEM UNDER THE RESOLUTION OF THE SENATE PROVIDED UNDER THE TREATY OF 1846.

MARCH 1, 1899.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 1, 1899.

SIR: On January 25 last this Department received the following resolution:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the Senate with full information relative to the claim of the Old Settler Cherokees on account of interest alleged to be due them under the resolution of the Senate provided under the treaty of eighteen hundred and forty-six and the decision of the Supreme Court, with such recommendation as he may find warranted by the facts.

Said resolution was referred to the Commissioner of Indian Affairs for consideration and immediate report. On January 28 last the Commissioner made his report on said resolution, in which he states that "on the 21st instant R. L. Owen, as agent for the Old Settler Cherokees, filed in this office a proposed amendment to the sundry civil bill (accompanied by a statement of facts) providing for the payment of interest money due the Old Settlers. From this it appears that the Old Settlers claim interest on \$212,376.94—the principal sum found due by the judgment of the Supreme Court—from June 6, 1893, the date of the judgment, to March 28, 1896, the date of the first remittance to the agent at Union Agency for distribution, a period of two years nine months and twenty-two days, at 5 per cent per annum, amounting to \$29,850.74."

Upon the merits of the case the Commissioner states "that it is not for this office to determine, being a matter properly belonging to the law officers of the Government or to Congress," and he therefore made no recommendation.

On January 30 last the Department referred said resolution and the report of the Commissioner, together with said statement of facts, to the Assistant Attorney-General for the Interior Department, with a request that he would render an opinion "whether said claim of the Old Settler Cherokees on account of interest alleged to be due is legal and just in whole or in part, and whether an appropriation for the payment of the same should be made by Congress."

I am now in receipt of the opinion of the Assistant Attorney-General upon the matter presented, which has been approved by the Department, and inclose herewith a copy thereof, together with a copy of the report of the Commissioner of Indian Affairs and the statement of facts of said agent, for such action as Congress may deem proper in the premises.

Respectfully,

E. A. HITCHCOCK,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 28, 1899.

SIR: I have the honor to acknowledge receipt of a Senate resolution of the 25th instant, referred to this office for consideration and immediate report on the same date. The resolution is as follows:

That the Secretary of the Interior be, and he is hereby, requested to furnish the Senate with full information relative to the claim of the Old Settler Cherokees on account of interest alleged to be due them under the resolution of the Senate provided under the treaty of 1846 and the decision of the Supreme Court, with such recommendation as he may find warranted by the facts.

The facts in the case, as appear from the records of this office, are set forth below.

In the general deficiency act approved August 23, 1894 (28 Stat. L., 424), an appropriation was made to pay a judgment of the Court of Claims in favor of the Old Settler, or Western, Cherokees as follows:

The Old Settler, or Western, Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses, and for legal services justly or equitably payable on account of said prosecution.

This amount was brought upon the books of this office by Treasury warrant of the same date as the appropriation.

Of the amount of this appropriation 35 per cent, or \$280,135.20, was set aside to pay attorneys' fees, in accordance with several resolutions of the Old Settler council.

In September, 1894, a committee of five was appointed under article 5 of the treaty of the Cherokees of August 6, 1846 (9 Stat. L., 874), to act in conjunction with the agent to ascertain what persons were entitled to this money.

By the act of August 15, 1894 (28 Stat. L., 308), \$5,000 of the judgment was set aside to pay the expenses of this committee, and by the act of March 2, 1895 (28 Stat. L., 901), an additional \$2,000 was set aside for the same purpose. Deducting these amounts and the 35 per

cent for attorneys' fees, there remained for distribution \$513,251.11. The committee completed its labors in May, 1895.

The first remittance for distribution among those entitled was made to the agent at Union Agency, Ind. T., March 28, 1896, and the second, May 13, 1896. Payments to the beneficiaries were made in April, May, June, and July, 1896.

On the 21st instant R. L. Owen, as agent for the Old Settler Cherokees, filed in this office a proposed amendment to the sundry civil bill (accompanied by a statement of facts) providing for the payment of interest money due the Old Settlers. From this it appears that the Old Settlers claim interest on \$212,376.94, the principal sum found due by the judgment of the Supreme Court from June 6, 1893, the date of the judgment, to March 28, 1896, the date of the first remittance to the agent at Union Agency for distribution, a period of two years, nine months, and twenty-two days, at 5 per cent per annum, amounting to \$29,850.74.

I inclose herewith a copy of the statement of facts filed by the agent of the Old Settlers, which shows just what their contention is. The facts related therein, so far as can be verified by the records of this office, appear to be correct.

As to the merits of the case, it is respectfully submitted that it is not for this office to determine, being a matter properly belonging to the law officers of the Government, or to Congress. The resolution is therefore returned without recommendation.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

STATEMENT OF FACTS.

In the matter of the claim of the "Old Settlers" or Western Cherokee Indians, for the sum of \$29,850.74 due to them as interest on the amount of \$212,376.94 found to be due them as a principal sum, by the decision of the Supreme Court of the United States (148 U. S. R., p. 427).

By Article XI of the treaty with the Cherokee Indians, of August 6, 1846, it is provided:

"Whereas the Cherokee delegation contend that the amount expended for one year's subsistence, after their arrival in the West, of the Eastern Cherokees, is not properly chargeable to the treaty fund, it is hereby agreed that the question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds, and if by the Cherokees, then to say whether the subsistence shall be charged at a greater rate than thirty-three $\frac{3}{8}$ dollars per head; and also the question, whether the Cherokee Nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum. (9 Stat., 875.)

The action of the Senate is shown by the following, taken from its Journal:

[Journal of the Senate, Thirty-first Congress, first session, December 27, 1849, p. 30.]

"The Vice-President laid before the Senate a report of the Second Comptroller and Second Auditor of the Treasury, made in pursuance of a joint resolution, approved August 7, 1848, showing the amount payable by the United States to the Cherokee Indians according to the principles established by the treaty of August, 1846, between the United States and the said Indians; which was read and referred to the Committee on Indian Affairs."

December 31, 1849, p. 40, above was ordered printed.

April 30, 1850, p. 313:

"Mr. Sebastian presented a memorial of the Old Settlers or Western Cherokees, praying the payment of their per capita allowance, agreeably to the fourth article of the treaty of 1846 between the United States and the Cherokee Indians; which was referred to the Committee on Indian Affairs."

August 8, 1850, p. 535:

"Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred the memorial of the delegates of the Cherokee Nation and of the Western Cherokees, and the report of the accounting officers upon the treaty of August 6, 1846, submitted a report, accompanied by the following resolution:

"Resolved, that it is the sense of the Senate that interest at the rate of five per centum per annum should be allowed upon the sums found due the 'Eastern' and 'Western' Cherokees, respectively, from the 12th day of June, 1838, until paid."

Thursday, September 5, 1850, p. 601:

"The Senate resumed the consideration of the resolutions reported by the Committee on Indian Affairs the 8th of August; and

"The resolutions were agreed to, as follows:

"Resolved by the Senate of the United States (as umpire under the treaty of 1846) That, under the circumstances, the Cherokee Nation are entitled to the sum of one hundred and eighty-nine thousand and four hundred and twenty-two dollars and seventy-six cents for subsistence, being the difference between the amount allowed by the act of June 12, 1838, and the amount actually paid and expended by the United States, and which excess was improperly charged to the treaty fund in the report of the accounting officers of the Treasury.

"Resolved, That it is the sense of the Senate that interest at the rate of five per centum per annum should be allowed upon the sums found due the 'Eastern' and 'Western' Cherokees, respectively, from the 12th day of June, 1838, until paid."

By suit in the Court of Claims (27 C. Cls. R., p. 1), appealed to the Supreme Court, where the judgment of the lower court was slightly reduced in amount, the Supreme Court, as had also been done by the Court of Claims, found that the Cherokee Indians were entitled to interest on the amount found due as a balance remaining due them under the treaty of 1846.

The Court of Claims found the principal sum so due to be \$224,972.68.

The Supreme Court of the United States found said principal sum yet remaining due under said treaty to be \$212,376.94, and directed that sum, "together with interest thereon at the rate of five per centum per annum from the 12th day of June, 1838, up to and until the modification of the decree, in addition to the sum of four thousand one hundred and seventy-nine dollars and twenty-six cents (\$4,179.26)," to be paid to them.

The appropriation was not made by Congress to pay this judgment until August 23, 1894, or one year two months and seventeen days after the modified decree was entered up in that case by the Court of Claims.

The provision of law for the appropriation is contained in the sundry civil appropriation act dated August 23, 1894, as follows:

"'The Old Settlers' or Western Cherokee Indians, by Joel M. Bryan, William Wil-son, and William Hendricks, commissioners, and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of said judgment set apart by said Indians for the prosecution of their claim as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution.'" (28 Stat. L., 451.)

The amount of the appropriation was made up as follows:

The principal sum without interest, of	\$4, 179. 26
The principal sum on which interest was decreed, of.....	212, 376. 94
Interest on the \$212,376.94 from June 12, 1838, to June 6, 1893 (54 years 9 months and 21 days), at 5 per cent per annum	583, 830. 11
Total amount of the appropriation	800, 386. 31

The first remittance of money made by the Indian Office to the United States Indian agent for the Union Agency, Ind. T., for the per capita distribution of said money so appropriated was on March 28, 1896, and according to the resolution of the Senate the interest should have been provided for to that date.

The period from June 6, 1893, to March 28, 1896, is 2 years 9 months and 22 days, and the interest for that time on \$212,376.94, at 5 per cent per annum, is \$29,850.74.

WHAT WAS SAID BY THE COURTS ON QUESTION OF INTEREST.

BY THE COURT OF CLAIMS.

The Court of Claims, in its decision on the case, after referring to article 11 of the treaty of 1846 and to the resolution of the Senate thereunder, as above set out, held as follows:

"We have, then, this demand for interest, not arising after the execution of the instrument and the performance of the contract, but existing before the treaty was

signed, and forming a subject of difference ab initio while the negotiations were carried on; we have this subject of difference provided for in the treaty itself and determined in the manner provided; we have the determination accepted as valid and binding by the party against whom it was made, and carried into effect by the payment of the money; finally, we have the jurisdictional act directing the court 'to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon,' and declaring it to be 'the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining said claim.'

"The court is therefore constrained to decide that by force of the treaty which made the compact between the parties, and of the statute by virtue of which the controversy with all matters of difference between the parties is now being brought to a final determination, the Western Cherokees should recover interest at the rate of 5 per cent upon the unpaid balance of the treaty fund (\$224,972.68) from the 12th day of June, 1838, to the day of rendering of this decree, being fifty-three years five months and eighteen days, and amounting to \$601,426.70." (Western Cherokee Indians v. United States, 27 C. Cls. R., 49.)

BY THE SUPREME COURT OF THE UNITED STATES (ON APPEAL).

In the decision of the Supreme Court the following will be found on the subject of interest, with the holding of that court thereon:

On page 453 of the decision is a quotation from (9 Stat. L., 544, 556, chap. 91) Indian appropriation act of September 30, 1850, for the fiscal year ending June 30, 1851, wherein the \$187,422.76 was appropriated according to the award of the Senate of September 5, 1850, with the additional words:

"And that interest be paid on the same at the rate of five per centum per annum, according to the resolution of the Senate of fifth September, eighteen hundred and fifty."

It also mentions the fact that the Court of Claims entered the decree for \$224,972.68, "With interest thereon from the 12th day of June, 1838, up to and until the entry of this decree."

It then proceeds, on the subject of interest, as follows:

"By the resolution adopted by the Senate, as umpire, September 5, 1850, it was decided that interest should be allowed at the rate of 5 per centum per annum upon the sum found due the Western Cherokees from June 12, 1838, until paid. As before stated, our conclusion is that the sum then found due was less than should have been paid by the amount of \$212,376.94.

Under section 1091, Revised Statutes, no interest can be allowed on any claim up to the time of rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest; and in *Tillson v. United States* (100 U. S., 45) it was held that a recovery of interest was not authorized under a private act referring to the Court of Claims a claim founded upon a contract with the United States which did not authorize such recovery. But in this case the demand of interest formed a subject of difference while the negotiations were being carried on, the determination of which was provided for in the treaty itself. That determination was arrived at as prescribed, was accepted as valid and binding by the United States, and was carried into effect by the payment of \$532,896.90 found due and of \$354,583.25 for interest. (9 Stat., L. 556, c. 91.)

In view of the terms of the jurisdictional act and the conclusion reached with reference to the amount due, it appears to us that the decision of the Senate in respect of interest is controlling, and that therefore interest must be allowed from June 12, 1838, upon the balance we have heretofore indicated, but not upon the item of \$4,179.26, which stands upon different ground. (148 U. S., 478.)

The Court of Claims entered final decree accordingly, June 6, 1893, with interest at 5 per cent per annum on the \$212,376.94 up to that date.

Congress did not make the appropriation for payment of the judgment until August 23, 1894, or one year two months and seventeen days after the decree was entered up. For that period Congress made no provision in the appropriation for the judgment amount for interest from the date to which interest was computed by the Court of Claims.

After the appropriation for payment of the judgment was made by Congress, the first installment of the money was not sent out to the agent for the Union Indian Agency, Ind. T., for distribution to the Indian beneficiaries until on or after March 28, 1896.

The claim for interest on that portion of the judgment comprising the principal sum of \$212,376.94 from June 6, 1893, "until paid," rests upon the high ground of the award made by the Senate, acting as umpire under the treaty of 1846; its award on the interest question being expressed in the following resolution:

"Resolved, That it is the sense of the Senate that interest at the rate of five per centum per annum should be allowed upon the sums found due the 'Eastern' and

'Western' Cherokees, respectively, from the twelfth day of June, eighteen hundred and thirty-eight, until paid."

Respectfully submitted.

ROBT. L. OWEN,
Agent of the "Old Settler" Cherokees.
R. V. BELT,
Of Counsel.

WASHINGTON, January 19, 1899.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, March 1, 1899.

SIR: Under your reference of January 30, 1899, I have considered the claim for interest of the Old Settler or Western Cherokee Indians. This reference is based upon the resolution of the Senate adopted January 25, 1899, which is as follows:

"Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the Senate with full information relative to the claim of the Old Settler Cherokees on account of interest alleged to be due them under the resolution of the Senate provided under the treaty of eighteen hundred and forty-six and the decision of the Supreme Court, with such recommendation as he may find warranted by the facts."

As shown in the case of *United States v. Old Settlers* (148 U. S., 427), the claims of the Cherokee Indians against the United States were considered by the accounting officers of the Treasury under the joint resolution of August 7, 1848, and by the Senate in its resolution of September 5, 1850, the Senate acting as an umpire pursuant to article 11 of the treaty of August 6, 1846 (9 Stat. L., 871). In its said resolution of September 5, 1850, the Senate made the following award upon the question of interest:

Resolved, That it is the sense of the Senate that interest at the rate of 5 per cent per annum should be allowed upon the sums found due the "Eastern" and "Western" Cherokees, respectively, from the 12th day of June, 1838, until paid.

The Old Settlers, or Western Cherokees, being dissatisfied with this adjustment of their claim, Congress, by act of February 25, 1889 (25 Stat. L., 694), conferred upon the Court of Claims "unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined," and authorized the Court of Claims "to try and determine all questions that may arise in such case on behalf of either party thereto and render final judgment thereon," subject to the right of appeal to the Supreme Court.

A decree in proceedings instituted under this act was thereafter entered by the Court of Claims, from which both parties appealed. April 3, 1893 (148 U. S., 427, 481), the Supreme Court directed the decree of the Court of Claims "To be modified so as to provide for the recovery of the defendants of the sum of two hundred and twelve thousand three hundred and seventy-six dollars and ninety-four cents (\$212,376.94) instead of the sum of two hundred and twenty-four thousand nine hundred and seventy-two dollars and sixty-eight cents (\$224,972.68), in full of the per capita fund provided by the fourth article of the treaty between the United States and the Western Cherokees dated August 6, 1846, together with interest thereon at the rate of five per centum per annum from the 12th day of June, 1838, up to and until the modification of the decree, in addition to the sum of four thousand one hundred and seventy-nine dollars and twenty-six cents (\$4,179.26), and so modified to be affirmed."

June 6, 1893, pursuant to the direction of the Supreme Court, the Court of Claims entered a modified decree in favor of the Old Settler or Western Cherokees for the recovery from the United States of \$800,386.31, which decree was made up of the following items: \$212,376.94, with interest thereon at the rate of 5 per centum per annum from June 12, 1838, to the date of the modified decree, and for the further sum of \$4,179.26, without interest.

August 23, 1894 (28 Stat. L., 424, 451), Congress in appropriating money "for the payment of judgments of the Court of Claims," made the following appropriation for the satisfaction of this modified decree, to wit:

"The 'Old Settlers,' or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, etc., \$800,386.31; and the Commissioner of Indian Affairs is directed to withhold from said distribution among said Indians only so much of that part of said judgment set apart by said Indians for the prosecution of their claims as is necessary for him to pay the expenses, and for legal services justly or equitably payable on account of said prosecution."

This appropriation, made more than fourteen months after the rendition of the

modified decree, was limited to the sum of money named in the decree, and neither this appropriation nor any other act has made provision for the payment of any interest claimed to accrue after the date of the modified decree.

The present claim of the Old Settlers or Western Cherokees is for \$29,850.74, as interest upon said \$212,376.94 from June 6, 1893, the date of said modified decree, to the time when it is alleged the first remittance was made by the Indian Office for the per capita distribution of said money; and said claim is especially predicated upon the award of the Senate aforesaid, declaring that interest at the rate of 5 per centum per annum should be allowed upon the sums found due the Eastern and Western Cherokees, respectively, "from the 12th day of June, 1838, until paid."

In the decision of the Supreme Court aforesaid it is said (p. 478):

"By the second resolution adopted by the Senate, as umpire, September 5, 1850, it was decided that interest should be allowed, at the rate of 5 per cent per annum, upon the sum found due the Western Cherokees from June 12, 1838, until paid. * * * It appears to us that the decision of the Senate in respect of interest is controlling, and that thereafter interest must be allowed from June 12, 1838, upon the balance we have heretofore indicated." * * *

However, both the decision of the Supreme Court and the modified decree entered in the Court of Claims are entirely silent respecting interest after the date of such modified decree; neither is there any mention of that matter in the act whereby jurisdiction of the claim was conferred upon the Court of Claims.

Section 1090 of the Revised Statutes, which authorized the payment of interest upon a judgment of the Court of Claims against the United States subsequent to its affirmance by the Supreme Court, seems to have been superseded by the provision in the act of September 30, 1890 (26 Stat. L., 504, 537), which provides:

"That hereafter it shall be the duty of the Secretary of the Treasury to certify to Congress for appropriation only such judgments of the Court of Claims as are not to be appealed, or such appealed cases as shall have been decided by the Supreme Court to be due and payable. And on judgments in favor of claimants which have been appealed by the United States and affirmed by the Supreme Court, interest, at the rate of four per centum per annum, shall be allowed and paid from the date of filing the transcript of judgment in the Treasury Department up to and including the date of the mandate of affirmance by the Supreme Court: *Provided*, That in no case shall interest be allowed after the term of the Supreme Court at which said judgment was affirmed."

The proviso to this enactment is broad enough to include any Court of Claims judgment, and unqualifiedly prohibits the allowance of interest after the term of the Supreme Court at which the judgment is affirmed. Counsel for the Indians do not cite any statute allowing interest upon a judgment of the Court of Claims against the United States after the term of its affirmance by the Supreme Court; and indeed they rest their claim upon the award of the Senate and the decision of the Supreme Court which gave effect thereto as aforesaid.

It will be observed that the present claim is not for interest upon the modified decree, but is for a continuation of interest, up to the time of payment, upon that part of the indebtedness included in the modified decree which was held by the Supreme Court to be properly interest bearing, and upon which interest was allowed up to the date of the modified decree. The question is, therefore, whether the Indians are entitled to continuing interest upon the \$212,376.94, according to the award of the Senate, up to the time of the payment of the modified decree, or whether the right to continuing interest terminated upon the rendition of that decree.

Article 11 of the treaty of 1846 submitted to the Senate for its decision "the question whether the Cherokee Nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum." This question was answered by the Senate in its resolution of September 5, 1850, wherein it was declared to be the sense of the Senate that interest should be allowed at the rate of 5 per cent per annum "from the 12th day of June, 1838, until paid."

Speaking of this matter, the Supreme Court said, in its decision aforesaid, at page 478:

"But in this case the demand of interest formed a subject of difference while the negotiations were being carried on, the determination of which was provided for in the treaty itself; that determination was arrived at as prescribed, was accepted as binding and valid by the United States. * * *"

Considering the treaty provision, the award of the Senate, the terms of the act submitting the claim to the Court of Claims, and the decision of the Supreme Court, I am of opinion that the present claim is to be considered as though the treaty had originally stipulated and provided for the payment by the United States to these Indians of the sum of \$212,376.94, with interest thereon at the rate of 5 per cent per annum from June 12, 1838, until paid. Viewed in this light the question which arises is: What was the effect of the rendition of the modified decree upon the

obligation of the United States to pay interest upon said sum while it remained unpaid? The several States have generally adopted laws regulating the payment of interest on judgments or providing for a continuation after judgment, and until payment, of the contractual rate of interest upon the debt recovered upon; but in the absence of such legislation the general and recognized rule is that the original contract with the accompanying obligation to pay interest is merged in the judgment, and thereafter any obligation to pay interest is to be determined by law and not by the act of the parties. (Perley on Interest, p. 104; 2 Black on Judgments, sec. 982; 2 Freeman on Judgments, sec. 441.)

There being no statute of the United States allowing interest upon a judgment of the Court of Claims, or upon the indebtedness embraced therein, after the term of the affirmance of such judgment by the Supreme Court, I am of opinion that the entire claim of the Old Settlers or Western Cherokees, including their right to interest, was merged in the modified decree, and that the present claim is not a legal or subsisting one.

As a part of the facts relating to the payment of this modified decree for \$800,386.31, it should be stated that according to the records of the Interior Department, \$201,370.09 thereof was paid from September 6, 1894, to March 3, 1896, inclusive; \$250,000 was paid March 30, 1896; \$250,523.94 was paid May 14, 1896; \$88,703.95 has been paid since May 14, 1896, and there still remains unpaid \$9,788.33.

Respectfully submitted.

WILLIS VAN DEVANTER,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

Approved, March 1, 1899.

E. A. HITCHCOCK, *Secretary.*