

IN SENATE OF THE UNITED STATES.

MAY 14, 1836.

Read, and ordered to be printed.

Mr. WHITE made the following

REPORT:

*The Committee on Indian Affairs, to whom was referred the memorial of John Ross and others, on behalf of the Cherokee Indians, have had the same under consideration, and beg leave to submit the following report :*

That, as to all the matters complained of in the said memorial, except the non-payment of interest on the annuity of one thousand dollars, secured by the treaty of 1804, the committee are of opinion a satisfactory answer and explanation are given in a report from the Commissioner on Indian Affairs, hereto attached, and made a part of this report ; and therefore, as to them, no legislative provision is necessary.

The facts upon which the claim to interest on the annuity before mentioned rests, are briefly these :

The said treaty was regularly negotiated and signed on the 24th day of October, 1804, and the United States paid the consideration stipulated, except said annuity, in due season.

On their part, the Cherokees immediately complied with all their stipulations. By some accident or oversight, the treaty never was submitted to the Senate for advice till the spring of the year 1824. That body advised its ratification, and it was ratified, in May, 1824. In 1825, appropriations were made to the amount of twenty-one thousand dollars, to pay the annuity of that year, and those of the *twenty preceding years*, all of which were then in arrear.

Although the committee believe the general rule to be well settled, that the Government ought not to pay interest on any demand against it, while it has been in readiness to pay the principal when regularly applied for, yet they are at a loss for a good reason why interest shall not be paid upon a just claim, when the principal has been withheld by the default of the Government.

In this instance the delay of payment is attributable entirely to the *accidental and unintentional default of the United States* ; the committee are therefore of opinion that, upon a plain principle of justice, interest ought to be paid upon the *twenty* of those annuities, the payment of which was *delayed beyond the time stipulated*, and recommend an amendment to the appropriation bill, which will authorize such payment.