

said commissioners be valued at forty-seven and forty-nine hundredths (47.49) cents per acre.

I have the honor to be, sir, very respectfully your obedient servant,

C. SCHURZ, *Secretary*.

The action of the Secretary of the Interior, as conveyed to me by letter dated the 19th inst., in appraising and fixing the value of certain lands ceded by the Cherokee Indians to the United States, to be used in the settlement of friendly Indians, as follows:

"Lands lying west of 96 degrees west longitude, in Indian Territory, set apart under act of April 10, 1876, (19 Stat. 29,) as a portion of the reservation for the Pawnee Indians, embracing an area of 230,014.04 acres, at 70 cents per acre.

"All other lands ceded by the Cherokees in the treaty of 1866, article 16, (14 Stat. 304), embracing an area of 6,344,562.01 acres, at 47.49 cents per acre, is hereby approved and ratified as my act, under the act of May 29, 1872."

R. B. HAYES.

EXECUTIVE MANSION, June 23, 1879.

This appraisement and price, fixed by the Secretary of the Interior and President of the United States, was accepted by the Cherokee Nation, and payments made thereon.

We suggest there was no defeasance clause in the treaty of 1866, made with the Cherokees, by which the title that the United States might thereafter convey to innocent Indians would defeat the title so conveyed, and the Cherokees have estopped themselves from asserting any such claim by demanding and receiving from the United States part of the purchase price for the same, as fixed according to law.