

SUSAN COODY AND OTHERS.

[To accompany S. bill No. 233.]

August 3, 1854.

Mr. GREENWOOD, from the Committee on Indian Affairs, made the following

REPORT.

*The Committee on Indian Affairs, to whom was referred Senate bill No. 233, for the relief of Susan Coody and others, have had the same under consideration, and beg leave to make the following report :*

That from the evidence on file, Susan Coody was living near Fort Gibson, on the military reserve, and on the 12th of March, 1845, the houses of Mrs. Coody and Richard Field were burnt and destroyed by an armed band of soldiers stationed at Fort Gibson, who, for the offence, were afterwards tried and convicted before the United States court for Arkansas. The destruction of the houses was also attended by the loss by the fire of the contents, consisting of furniture, clothing, &c. ; an inventory of which is appended to the report made by Senator Sebastian to the Senate, to which reference is made, and which is made from the papers on file, the value of which seems to be fair and reasonable. This was taken before the Cherokee agent immediately after the occurrence. The proof does not implicate either of the applicants asking for remuneration in any of the causes which led to this disgraceful outrage upon unoffending citizens of the Cherokee nation. The agent fully endorses the justice of the claims, and recommends their payment, (except as to Field;) in which recommendation your committee fully concur.

Your committee were at a loss to ascertain upon what ground the claimants sought payment for this trespass ; but upon consulting the intercourse act of 1834, all difficulty was removed as to the liability of the United States to reimburse the claimants for their losses thus incurred. The 16th section of the act referred to is in these words : "That in the commission by a white person of any crime, offence, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offence, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, what-

ever such payment shall fall short of the same shall be paid out of the treasury of the United States." The act seems to be clear and explicit, and the liability of the government cannot be questioned. No private revenge has ever been attempted, so far as the committee are informed, by either of the claimants, or any of the nation, which would have been the only bar to the recovery of just compensation.

Your committee are therefore of opinion that the claimants are clearly entitled to relief, and that nothing has been paid by the trespassers; they therefore recommend the passage of the Senate bill herewith reported.