

ISAAC SLOCUM.

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APRIL 8, 1880.—Laid on the table and ordered to be printed.

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Mr. P. B. THOMPSON, Jr., from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 1167.]

*The Committee on War Claims, to whom was referred the bill (H. R. 1167) for the relief of Isaac Slocum, respectfully report:*

That the Indian tribes are independent sovereignties with which the government makes treaties, under the authority of the Constitution, through the President and by and with the advice of the Senate. Wars waged between any Indian tribe and the government must be governed, at least upon the side of the United States, by the laws of war and international law, except so far as modified by treaty or express statutes, must regulate the responsibility of the government, not only towards the Indians, but towards its own citizens growing out of any Indian war. By the laws of nations and rules of war, the government is not responsible for any injuries or damages done during flagrant war to her own citizens by alien enemies, which term embraces all who in war are accorded belligerent rights.

Applying these general principles, the United States Government was not bound to make good the losses sustained by the citizens in consequence of the Indian wars with the Sioux tribe in 1857 or 1862.

But, as the government seems to have assumed responsibility, and agreed to make good certain losses, it is bound so far as it has agreed to be, and no further. A commission has already adjusted this responsibility, and Slocum has received his pay; therefore, after over twenty years, we do not think this Congress should reflect upon its predecessors by saying they did not give full relief, especially when the facts were all fresh and well known then and almost incapable of satisfactory proof now. Rule 4 of the committee, that in cases where other tribunals have had jurisdiction and acted we will not disturb their judgment, applies in part to this claim.

For the property used by refugees and in constructing barricades the government on no principle of law known to the committee can be made responsible; for that alleged to have been seized by the United States marshal, being the unauthorized act of an officer, fixes no liability upon the government.

For the fueling and supplying the militia, the State only is bound, and the government no doubt has long since adjusted the matter with the State. The letter from Charles E. Flanders rather intimates that the State has already made good such claims.

The claim for such of the crop as was used, if any, by United States soldiers, could have been long ago, upon proper proof, adjusted by the Quartermaster's Department.

We do not think this old, stale claim entitled to allowance; we therefore reject the same for want of proof to sustain it and the reasons given above, and ask to be discharged.