

IN SENATE OF THE UNITED STATES.

FEBRUARY 14, 1839.

Submitted, and ordered to be printed.

Mr. NICHOLAS made the following

REPORT:

[To accompany Senate bill No. 8.]

*The Committee on Indian Affairs, to whom was referred the petition of John McCartney, report :*

That, in the year 1817, a lieutenant of the United States army, acting under the orders of his commanding general, drove a number of cattle off the Cherokee lands, they being supposed to be the property of the intruders, who were at the same time expelled from the Indian territory. These cattle were delivered to the marshal of Tennessee, and by him sold, although no evidence can be found of the amount of the sale having been paid into the Treasury. Although the petitioner did not reside on the Indian lands, his cattle were in the habit of ranging on them, and being found there by the officer, were driven off and sold as stated. The petitioner claims indemnity for eighteen head, which he values at two hundred dollars, and the valuation is corroborated by several of his neighbors. No doubt can be entertained that the injury was sustained ; the integrity of the claimant, vouched for by a great many of the then residents, and the certificates and depositions, which, though not as full and precise as in rigid strictness might be required, leave no room to question the principal part. McCartney suffered in consequence of an order from the commanding general, which order met with the approbation of the then executive. His property was sold, and the money received by the marshal. For nearly twenty years he has petitioned for redress ; and, believing it fully sanctioned by justice, the committee report a bill for his relief.

Blair & Rives, printers.