

IN SENATE OF THE UNITED STATES.

FEBRUARY 19, 1839.

Submitted, and ordered to be printed.

Mr. SWIFT submitted the following

REPORT :

*The Committee on Indian Affairs, to which was referred the bill (H. R. 886) for the benefit of the Choctaw Indians, report :*

That on the 2d day of July, A. D. 1836, Congress passed an act for the relief of Joseph Bogy, by which the Secretary of War was directed to deduct from the annuity payable by the United States to the Choctaw Indians the sum of six thousand dollars, and to pay the same to said Joseph Bogy, it being for depredations committed by the said Choctaw Indians on the property of said Bogy in the year 1807, while the said Bogy was a licensed trader amongst the Osage Indians; and in pursuance of said act, the said sum of six thousand dollars was deducted from the annuity due the said Choctaws, and paid to said Bogy, by directions of the Secretary of War. The present bill proposes that the Secretary of War shall re-examine the claim of said Bogy, and if he shall be of opinion that injustice was done to said Choctaws by the provisions of said act, he shall be authorized to refund to said Choctaws all, or whatever portion of said claim shall appear to have been wrongfully withheld from them. On examining the testimony in support of the claim of the said Choctaws accompanying the said bill, the committee find sundry affidavits of chiefs of the Choctaw tribe of Indians, with sundry other papers, tending to show that the depredation committed on the property of said Bogy was of very trifling character; that the Choctaw nation never recognised said claim of said Bogy, and that the same was unfounded and unjust; and also showing that the said sum of six thousand dollars had been deducted from the annuity due the said Choctaws in 1836, and had been paid to said Bogy. From this testimony alone the committee would have found no difficulty in recommending the passage of the bill, and of submitting the propriety of refunding the said six thousand dollars, or any part thereof, to the discretion of the Secretary of War; but on examining the testimony of the said Bogy in support of his claim now on the files of the Senate, the committee find very satisfactory proof that at the time of the depredation committed by said Choctaws, the said Bogy was on the tract of land then and now occupied by the said Osage Indians, trading under a license duly granted to him under the authority of the United States, and that the value of the property lost by said Bogy by the depredation of said Choctaws amounted to the

said sum of six thousand dollars. The committee also find, from the proofs aforesaid, that the Choctaws repeatedly admitted the depredation committed by them on the property of said Bogy, without any pretence at the time that the property did not amount in value to the sum claimed by the said Bogy, but attempted to justify the depredation on the ground that the Choctaws were, at the time, at war with the Osages, and that by their rules of warfare they had a right to seize any property found in the enemy's country. The committee which reported the bill for the relief of said Bogy were of opinion, however, that this state of hostilities was not a sufficient justification for taking and destroying the property of one who was peaceably trading under the authority of the United States, and from this opinion your committee see no cause to dissent; and without repeating the argument used in support of the claim of said Bogy, your committee refer to a written report of said committee, which accompanies the papers of said Bogy, and being satisfied that the claim of said Choctaws is not founded in justice, recommend the rejection of said bill. As there is much testimony applicable to this case, your committee have not thought it necessary to detail it in this report, or to ask that it be printed, but respectfully refer the Senate to the same, most of which has heretofore been printed, and all of which will be found accompanying this bill, or on the files of the Senate accompanying the petition of said Bogy.