

IN SENATE OF THE UNITED STATES.

FEBRUARY 25, 1847.

Submitted, and ordered to be printed.

Mr. BAGBY made the following

REPORT :

*The Committee on Indian Affairs, to whom was referred the memorial of Preston Starrett, and others, praying Congress to pass a law enlarging the powers of the commissioners now acting under the treaty of 1835-'36 between the United States and the Cherokee nation, so as to compel them to open and revise the decisions of former boards of commissioners under the same treaty, and requiring the board now in session to adopt certain rules for the decision of cases now before them, and to give to the claimants under the various treaties between the United States and the Cherokee Indians certain remedial rights through the judicial tribunals of the country, beg leave to report :*

That the 17th article of the treaty of 1835-'36 provides that "all claims arising under or provided for under the several articles of this treaty shall be examined and adjudicated by General William Carroll and John F. Hermerhorn, or by such commissioners as shall be appointed by the President of the United States for that purpose; and their decision shall be final; and on their certificate of the amount due the several claimants, they shall be paid by the United States."

The commissioners now acting under the Cherokee treaty were appointed in conformity with this article of the treaty; and, in the opinion of the committee, inasmuch as their powers and duties are fixed by the treaty, Congress cannot properly, and ought not to attempt to enlarge or diminish their powers under the treaty, nor to prescribe rules for the government of their conduct in adjudicating claims under the treaty.

The committee therefore recommend the adoption of the following resolution:

*Resolved, That the prayer of the memorialists ought not to be granted.*

*& Heiss, printers.*