

7-28-1854

Report : Petition of G. Humphreys

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IN THE SENATE OF THE UNITED STATES.

JULY 28, 1854.—Ordered to be printed.

Mr. CHASE made the following

REPORT.

[To accompany bill S. 484.]

The Committee of Claims, to whom was referred the petition of Gad Humphreys, report:

The petitioner claims indemnity for property which he alleges was destroyed at Micanopy, in Florida, during the Indian disturbances in 1836.

The claim has been repeatedly submitted to the examination of committees of both houses of Congress, and several reports have been made in favor of the claimant. Two bills granting relief have passed the Senate.

It appears that Micanopy was occupied as military post, by the United States troops, under the command of Colonel Pierce. When it was determined to abandon the post, Colonel Pierce ordered all property which could not be removed to be destroyed, to prevent its falling into the hands of the enemy.

The committee do not admit that a simple order for destruction of property by a United States officer, constitutes a sufficient foundation for a claim to indemnity.

Troops employed for the defence of private property may be withdrawn when circumstances may require it, and the withdrawal may render it certain that the property will fall into the hands of the enemy, and be lost to the owner. The withdrawal, in that case would not, sustain a claim for indemnity. Nor would an order to destroy property, necessarily abandoned under such circumstances, in order to prevent its falling into the hands of the enemy, sustain such a claim; for the order, in such a case, would not be the cause of the loss.

If, however, troops of the United States are stationed at a particular point, not for the defence of person or property there, but for the general objects of the war, and in consequence of that the attacks of the enemy are drawn to that point, and it becomes necessary to abandon the post, and under such circumstances the commander orders the destruction of private property, the committee are inclined to think that the owner ought to be compensated.

In accordance with this view, and in deference to the opinions of former committees, the committee ask leave to report a bill.