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George and James Anderson.

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GEORGE AND JAMES ANDERSON.

MAY 17, 1838.

Read; and laid upon the table.

MR. E. WHITTLESEY, from the Committee of Claims, submitted the following

REPORT :

The Committee of Claims, to whom was referred the claim of George and James Anderson, report :

That the claimants ask Congress to remunerate them for their losses in Florida, on their plantation called Dunlawton, in the destruction of their property by the Seminole Indians. The schedule of said property is estimated at \$23,055 25. James R. Anderson, David R. Dunham, Thomas H. Dummett, and Douglass Dummett testify that they think the property was of the value affixed to it in the schedule.

It appears from the copy of an order given by General Hernandez, under date of the 16th of December, 1835, "that Colonel Sauchey was directed to detail ten privates, under the command of a commissioned officer, (to be mounted on their own horses if possible,) and to post them at the plantation of Dunlawton, on the Halifax river, to scour and to protect the country up and down the river, and to the westward for the space of fifteen miles, and to render assistance and protection to every part of the country, to a reasonable distance, beyond the scope of country which it may be discovered stands in need of them."

Ten privates were detailed, and two of them were J. G. Anderson and James Anderson.

D. Dummett, lieutenant commanding company B, 2d battalion, 2d regiment, 2d brigade Florida militia, certifies, under date of the 20th of June, 1836, that, in accordance with the order of Colonel Sauchey, he occupied the post at the plantation called Dunlawton, and remained there, with his detachment, until ordered away.

Samuel Grice, of Philadelphia, testifies he was on the Dunlawton plantation, cutting live-oak timber; that George and James Anderson were preparing to defend their property by the erection of a block-house, and by collecting arms, with the intention of defending their property and of defeating the foe, if possible, when their plans were arrested and defeated by a peremptory order from the commanding officer in that district to equip forthwith and join a company of mounted men then recruiting at Dunlawton; that on the 24th of the same month, (December,) said compa-

ny, through Major Putnam, was ordered to march forthwith to Tomaka; that Mr. Anderson and all the white men from the plantation on that river (Musquito) were marched to Tomaka at less than an hour's notice.

As to the property on said plantation, he says: "Messrs. Anderson had a large number of working oxen and other cattle, and stock of various kinds, with a full proportion of farming implements, an extensive sugar-house and other buildings, steam-engine, fixtures for sugar-making, a quantity of lumber, a lighter, large canoes and boats—in short, a full assortment of every thing necessary for a sugar and provision plantation, with a fair prospect of making a good crop of sugar and corn; all of which was necessarily abandoned at the call of the country." This witness left, with his men, who were in much alarm, on the 26th of December, and embarked on board of a schooner then at anchor in Halifax river, and barely escaped with their own lives; the hostile Indians arriving a few hours after they left the shore.

The items composing the schedule consist of buildings, machinery for making sugar, personal property, growing crops, &c.

The claimants have not set forth the particular grounds on which they expect Congress will grant relief. Although an order was given to detail a guard to be stationed at Dunlawton plantation on the 16th, it is manifest from the deposition of Mr. Grice, that the plantation was not occupied for military purposes after the 24th of December, if it had been before. If the committee were to draw an inference from the testimony of Mr. Grice, as to what was the ground on which the claimants expected relief, it would be that they were ordered to leave Dunlawton and to take a position at Tomaka. This would not furnish a ground for relief.

There is no one circumstance that brings the claim within the spirit or meaning of any law or rule allowing a compensation for property destroyed in time of war or peace.

In relation to losses by the depredation of the Indians, the committee, in this report, (as they have in other reports,) refer to a report made in the Senate on the 23d of January, 1800, when examining the memorial of Daniel Smith, which prayed that an allowance be made for depredations committed by the Indians. The committee say: "Your committee have seriously considered the principles upon which the claim of the memorialist is founded, and lament sincerely his loss; but knowing that an immense number of the citizens of the United States have been plundered of property to a very great amount, both by land and sea, in the same unwarrantable manner; and believing that the whole revenue of the United States would scarcely be commensurate to meet the demands of applicants in similar cases, should compensation be given in this, the committee are of opinion it would be inexpedient to open so extensive a field, and, therefore, that the prayer of the memorialist cannot be granted."

If a new principle is to be established, because the revenues of the Government have increased, or because the former decisions are erroneous, Congress should go back to the organization of the Government, and grant relief first in those cases that were from time to time rejected, from the belief that they imposed no moral obligation on the United States to pay them.

The committee refer to a report made on the 14th of May, 1838, on

the memorial of the Legislature of Alabama, for a more enlarged view of the principles that have controlled the action of Congress in this class of cases.

From entertaining the opinion that the claimants are not entitled to relief, the following resolution is submitted :

Resolved, That the claimants are not entitled to relief.