

7-2-1838

## Wyoming claims.

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WYOMING CLAIMS.

JULY 2, 1838.

Read, and laid upon the table.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, made the following

REPORT:

*The Committee on Revolutionary Claims, to which were referred sundry petitions praying Congress to make compensation to the survivors and to the descendants of those who were slain in the massacre of Wyoming for losses sustained, report:*

That the claim of the petitioners is not based upon any resolution or act of the Congress of the Revolution, upon which any allowance or compensation can be made the sufferers or their descendants on the principle of discharging a contract. The application, therefore, rests upon the propriety of granting a gratuity under the peculiar circumstances of the case. The hardships and privations endured by the settlers in the Wyoming valley, and the devastations and murders perpetrated by their savage enemy, are well authenticated by history, and forcibly and feelingly presented in the document advocating the claims of the petitioners. It is therein shown that, in all probability, Connecticut would have made a suitable provision in behalf of the sufferers and their descendants, had that State retained jurisdiction over the country. The fact that the people of Wyoming were excluded, in consequence of the jurisdiction and claim of Pennsylvania, from the benefits of the legislation of Connecticut, which relieved other portions of her citizens who suffered during the Revolution, upon principles equally applicable to the Wyoming settlers, is not sufficient to give them a valid claim against the United States. We must test the validity of the claim independent of that circumstance. When that is done, it presents the single question whether the Government of the United States ought, at this day, to make provision for compensating the losses sustained by the inroads, devastations, and murders of a savage enemy during the Revolution. If it be proper to make such provision, the committee cannot perceive any sufficient reason for discriminating in favor of the Wyoming sufferers, so as to grant indemnity and relief to them, and withhold it from others. Why may not the families whose husbands and fathers were defeated and slain in the battle of the Bluelicks, claim compensation? They marched to meet a savage enemy, to repel an invasion, to defend their fire-sides, and were slain. Why may not all those whose houses were burnt by savages, and whose children, in the absence

of their fathers, were often murdered, or carried off into captivity, during the Indian wars which prevailed at the period of the early settlements in Kentucky and Tennessee, claim compensation, if the Government allows it in behalf of the Wyoming petitioners? The committee perceive no sufficient reason to discriminate, and are of opinion that all or none should be provided for. Ought any to be provided for? We think not. The principle upon which Governments are charged for damage done by a public enemy, requires that the loss should be the consequence of the action of the Government. If (for illustration) the Government occupies the houses of the citizen for military purposes, and thereby induces the enemy to destroy them in order to dislodge or defeat an army, the suffering citizen may justly claim compensation. But where the enemy wantonly burns a city, or town, or pillages a farm, or murders the head of a family, there is no just foundation to claim compensation. If the Government should acknowledge its responsibility in such cases, the consequences might be destructive to the patriotism of the country. The rule would tend to influence the citizen to abandon his property instead of defending it, and set up a claim against the Government for its loss, instead of protecting it by manly defence. The prayer of the petitioners for compensation on account of the burning of Charlestown, Massachusetts, during the Revolution, was rejected by the Committee on Revolutionary Claims of the 24th Congress, and we refer to the report in that case for principles applicable to this.

The committee are of opinion that the prayer of the petitioners ought not to be granted.