

HUGH L. HEISKELL.

JUNE 8, 1836.

Read, and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of H. L. Heiskell, assistant surgeon in the army of the United States, report :*

That the petitioner states, as assistant surgeon in the army of the United States, he served under Generals Gaines and Scott in their operations against the Seminole Indians; that, whilst engaged in the discharge of his duties, his servant contracted a fever in consequence of severe exposure incident to the campaign, of which he died. The certificates of Doctors Leavenworth, Reynolds, Cuyler, and Wilson, state "that they are decidedly of the opinion, that the fever of which he died could be attributed to the severe and unusual exposure necessarily attendant upon this campaign, which, from peculiar and uncontrolable causes, was characterized not only by very great hardships and absolute exposure to extremely inclement weather, but by an almost total want of the ordinary and indispensable comforts." The loss of a servant, when taken into the public service under the circumstances in this case, has not heretofore been paid for.

All the cases reported, involving the liability of the United States, were examined by the committee at the 1st Session of the 21st Congress, and a report made which is recorded in book 7, page 461, and printed in vol. 3, rep. 401.

The petitioner also asks pay for a horse which escaped from him whilst in his public duties.

Brevet Major Zantzing and Lieutenant Duncan state, in a certificate, "that, in their opinion, the loss of the horse was unavoidable on the part of Dr. Heiskell; that he was engaged in his professional duties in the army then serving against the Seminoles, and that every effort in his power was made, without success, to recover him."

Congress has not granted relief in any similar case. The United States do not become the insurer of the property of their officers. The United States pay when they fail to perform their engagements; but in all other cases, the officer or agent runs the risk of his property.

The following resolution is submitted :

*Resolved,* The prayer of the petitioner ought not to be granted.