

HORSES AND OTHER PROPERTY LOST IN INDIAN WARS.

[To accompany bill H. R. No. 744.]

JULY 2, 1836.

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

REPORT:

*The Committee of Claims having under consideration various claims, by order of the House of Representatives, for horses lost in the military service of the United States, during the Black Hawk war, and the present hostilities with the Indians, report:*

That in the opinion of the committee, provision should be made by a general law for the adjudication of this class of claims.

Special legislation is too tardy to provide for the claims that *should* be allowed, and, from the multifarious business to which its attention is indispensably drawn, not sufficiently *discriminating* to detect those claims that *ought* not to be allowed.

The act of April 9, 1815, designed to provide for such losses in horses, &c. as arose from the fault of the United States.

It was found, in prosecuting the wars against the Indians in 1832, that horses frequently were so much reduced for the want of forage, as to be an encumbrance on the march, and were abandoned by the order of the officer. The act of June 30, 1834, embraced such cases.

In the execution of the act last mentioned, the following cases were not embraced within it. 1st. Where horses on the frontier, entirely remote from the means of obtaining forage, were, by the order of the officer in immediate command, turned out to graze in the woods, prairies, or commons, and when so at large were lost.

2d. Where horses were wounded in battle, and were abandoned by order of the officer.

In this case relief could not be obtained, because there was not proof that the horses actually died. Yet the owners lost their horses in consequence of being wounded in battle, and if they had been killed, or if the owners, by staying and witnessing the lingering effect of the wound until death had ensued, and had obtained evidence that the wound had resulted in death, they would have been remunerated for such losses. In the opinion of the committee, these cases should be provided for as coming strictly within the policy of preceding acts, and within their spirit. The committee herewith present a bill embracing the provisions of the former acts;

and the cases mentioned above, so far as these acts relate to the loss of horses, and the destruction of vehicles of conveyance. The committee propose by the bill to refer the claims to the Third Auditor for adjudication, under rules to be presented by the Secretary of War, under the direction or assent of the President of the United States.