

JOHN FRANCIS.

FEBRUARY 15, 1845.
Read, and laid upon the table.

Mr. VANCE, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom were referred the petition and papers of John Francis, report :

This claim has been submitted by the committee to the examination of the proper department, for the discovery of evidence to show whether the damage claimed to have been done to the property of the petitioner was committed under such circumstances as have been held sufficient by the laws (at any time passed) to justify the United States to appropriate money from the treasury to indemnify him for his losses. The officers have reported no facts of any kind going to show that this case differs, in any material degree or manner, from the numerous cases of Indian aggressions and depredations that have been committed upon the border settlers, from the earliest periods of our colonial history down to the present time. It is scarcely necessary to say that government has never stipulated to pay to individuals all of the damages which they have sustained from the different Indian tribes upon this part of the continent, varied, multitudinous, severe, and distressing as those damages undoubtedly are, and for a long series of years have been. All alike are liable to the horrors, and the distresses, and the ravages of war. Against them the government diligently seeks to guard, but does not covenant to assure its citizens. For property taken, used, destroyed, or injured, by lawful government agents, for lawful objects of government, the citizen owning it has a just and legal claim to compensation from the common treasury. A lawful agent can only do lawful acts ; and for taking property *illegally*, for the (pretended or real) use of the government, the citizen can hold the agent responsible for the improper taking ; but not the government, as it can be held responsible only for the lawful acts of lawful agents. So, if any enemy, savage or civilized, destroys property in the military occupation of the United States, as a place of offence to said enemy, the government is bound to indemnify the owner of said property thus destroyed, *because* of its occupation as a place of annoyance. But losses from other causes—from the savage devastations of savage foes, or from civilized foes who commit savage acts—are not indemnified by the United States.

The case under consideration is a hard one, like many thousand others ; but has nothing to distinguish it from them, of so peculiar a character as to entitle it to be preferred before them. The committee, therefore, recommend the adoption of the following resolution :

Resolved, That the petitioner is not entitled to relief.