33d Congress, 1st Session. Rep. No. 179. Ho. of Reps.

CLAIMS—BLACK HAWK WAR.

June 10, 1854.—Laid upon the table, and ordered to be printed.

Mr. Orr, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred a resolution instructing them to inquire into the expediency of passing a law providing for a settlement of the claims growing out of depredations committed by the Indians in the Black Hawk war of 1832, *report:*

That they have taken into consideration the resolution, and have examined both into the nature and extent of the depredations committed upon the property of citizens of the United States, residing principally in the State of Illinois. The claims, for the payment of which a general law is now asked to be passed, have been, in a great measure, specifically brought before Congress and rejected. An adverse report on these claims was submitted at the 1st session of the 24th Congress, which was sustained by the House, thereby rejecting the claims now sought to be revived and discharged. The committee have been furnished, by the Indian Bureau, with abstracts of a great number of these claims. The abstracts are predicated upon the report of a commission organized under the direction of General Atkinson in January, 1833. The commissioners, Capt. Palmer and Wm. Hempstead, esq., were charged with the duty of "collecting, adjusting, and examining all outstanding claims arising from the movements of the militia and friendly Indians called into service" during the spring and summer of 1832. All the claims on file in the Indian Bureau, (and your committee are satisfied that they embrace all contemplated in the resolution which is the occasion of this investigation,) though presented to, and received by the commissioners, were not within the limits of their instructions, and were consequently disallowed. This decision of the commissioners, which was approved by the Indian Bureau, it is not pretended violated any right of the claimants under existing laws or the uniform practice of the government. Should Congress now interpose a remedy, and pay that class of claims to which the resolution refers? Your committee think not. The depredators (the Sac and Fox Indians) were at war with the United States. Soon after the commencement of hostilities, the inhabitants on the Indian frontier abandoned their homes, crops, and property, and sought safety by retreating into the denser white settlements. It is alleged by some of the claimants that their absence from home, occasioned by apprehensions of danger from the Indians, prevented them harvesting their grow-

ing crops; some ask reparation because they were prevented, from the same cause, tilling their crops; and others found their claims upon the seizure and appropriation of their personal property by the hostile savages. Is there anything peculiar in this state of the facts which should authorize and require the government to pay for these real and speculative losses? The rule which has been uniformly pursued by this government towards its citizens, is to pay only such losses as were occasioned by the action or authority of its own officers. For example, if the buildings of a citizen are occupied by troops, and are destroyed by the enemy on account of such occupancy, the government will indemnify; but for casualties arising in the progress of the war from the action of the enemy, or the citizen himself, to his property, no indemnity has been made, whether the enemy was white or red; and it would be, in the judgment of your committee, highly inexpedient to change the rule. War is calamitous to the government as well as to the citizen, and if the former should attempt, in addition to the support of armies and navies, to indemnify the citizen for every personal loss, positive and mediate, it would entail a most burdensome public debt, to be only discharged eventually in national bankruptcy. Every citizen encounters a share of the sacrifice of a national war, and it would not be just to tax all to relieve from that sacrifice a few whose losses may be susceptible of ascertainment, when the great mass have been equal sufferers, remotely, if not directly.

Your committee, being satisfied that any legislation upon the subject is inexpedient, ask to be discharged from the further consideration of said resolution.