

Report No. 396.

HOUSE OF REPRESENTATIVES.

DORCAS JEWELL.

MARCH 15, 1848.

Laid upon the table.

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

REPORT:

The Committee of Claims, to whom was referred the petition Dorcas Jewell, report:

That the petitioner asks to be indemnified for property destroyed by hostile Indians.

The proof as to the value of the property, alleged to have been destroyed, is not of a legal and satisfactory character; and were this objection removed, and the destruction of the property clearly shown, property wantonly destroyed by hostile enemies, civilized or savage, is never paid for by any of the numerous governments of the earth, so far as is known to us. Property justifiably destroyable under the laws of nations, because converted into fortifications, barracks, places of military deposite, or other places of military annoyance, by order of a duly authorized officer, must be paid for under the clause of the constitution that directs private property, taken for the public use, to be paid for from the public treasury. But private property, not thus converted to purposes of military annoyance, may not be lawfully destroyed by an invading enemy; and if unlawfully and wantonly destroyed, government will not pay damages to the injured citizen; for government labors to prevent but will not insure against the horrors and losses that but too frequently attend upon invasions. Were it otherwise, enemies would purposely destroy private property, that the treasury of the invaded country might be exhausted in paying damages to its own citizens, instead of being applied to objects intended to expel the foreign invader. Congress has, therefore, for these and other reasons, confined itself to measures of a preventive order; rarely, and

in peculiar cases only, indemnifying citizens for losses occasioned by a public enemy.

It is certainly the duty of all good governments diligently to labor to secure the peace, quiet and safety of all of its citizens. But this great duty has never been, and, until the passions of man have been greatly changed, never will be *perfectly* performed. It being impossible wholly to restrain and hinder evil-doers at home and abroad, both foreign and domestic, savage and civilized, it would be to the last degree impolitic to insure the citizens of the United States against all losses by wanton depredators. Hence the following resolution is submitted for the consideration of the House:

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

To the honorable Senate and House of Representatives of the Congress of the United States:

The petition of Dorcas Jewell, of the county of Russell, and State of Alabama, widow of Kinchen Jewell, deceased, respectfully sheweth to your honorable bodies: That, in the year 1837, your petitioner was a citizen of the Territory of Florida, and permanently located in the same, some 25 miles from old St. Marks, in Jefferson county, in said Territory; and, during your petitioner's residence there, there existed among the Indians of said Territory hostilities towards the white citizens of said Territory. And your petitioner sheweth that, some time in the year above mentioned, she was forced to leave her residence, in said county and Territory, on account of the approach of the hostile Indians upon her residence; and your petitioner, in fact, says that the Indians were so near by as to compel her to abandon her home for her own personal safety and security, without having any time or opportunity to save any part of the property which she had on the premises. And your petitioner further says that she owned and possessed at that time, upon the premises, a good comfortable house, with good bedding and other furniture; together with seventy head of hogs, from one to three years old; ten head of cattle, and about twenty bushels of corn; with working and farming utensils; all of which your petitioner lost by the depredations and destruction of said Indians; and by means of the losses aforesaid, your petitioner was rendered and is now destitute of a support. And your petitioner further believes that the property mentioned in this petition was, at a low valuation, worth the sum of \$600.

Your petitioner would then, in consideration of the premises, respectfully ask of your honorable bodies to remunerate her for the loss which she has sustained by the depredations of the Indians, in this petition mentioned.

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DORCAS T. × JEWELL.
mark.

Test: THOMAS M. KEMP.

STATE OF ALABAMA, }
Russell County. }

Personally appeared before me, William B. Martin, a notary public in and for the county and State aforesaid, Rachael Yearly, who, being duly sworn, saith: That Dorcas Jewell, the petitioner in the foregoing petition, resided in the Territory of Florida in the year 1837, and that the said Dorcas Jewell lost, by the depredations and destruction of the hostile Indians of said Territory, the property mentioned in the foregoing petition; and believes the same to be worth, at that time, the sum of \$600.

RACHAEL YEARLY.

Sworn to and subscribed before me this 22d day of November, 1847. Given under my hand and seal.

WILLIAM B. MARTIN,
Notary Public.

STATE OF ALABAMA, }
Russell County. }

Personally appeared before me, William B. Martin, a notary public in and for the county and State aforesaid, Jesse Holton, who, being duly sworn, saith: That Dorcas Jewell, whose name is mentioned in the foregoing petition, lived in the Territory of Florida in the year 1837, and that the said Dorcas Jewell lost all her property in said Territory by being burnt and destroyed by the hostile Indians of said Territory; and deponent says that he believes the property lost was worth \$600.

JESSE HOLTON.

Sworn to and subscribed before me this 23d day of November, 1847. Given under my hand and seal the day and date herein written.

WILLIAM B. MARTIN, *N. P.*

THE STATE OF ALABAMA, }
Russell County. }

The petition of Jacob Yearly, of the county and State aforesaid, respectfully sheweth unto your Honorable bodies, that in the year eighteen hundred and thirty-six your petitioner was a citizen of Jefferson county in the Territory of Florida, and lived about nine miles from old St. Mark's, in said territory; and that during the

