

DAVID M. HUGHES, CHARLES SHIPMAN, AND JOHN HENDERSON.

[To accompany bill H. R. No. 225.]

MARCH 8, 1842.

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

REPORT:

The Committee of Claims, to which was referred the petition of David M. Hughes, Charles Shipman, and John Henderson, report:

That the petitioners claim damages of the United States, for trespasses committed by a party of Creek Indians, emigrating from Florida to Arkansas, in the summer of 1837, under the direction of the officers of the United States, acting under the orders of the War Department, upon certain valuable lands, of which the petitioners were proprietors, and which were situated on the Gulf of Mexico, in the State of Mississippi.

The petitioners clearly and indisputably establish their title to the lands upon which the trespasses, complained of by them are alleged to have been committed; and they exhibit testimony, equally certain and indisputable, that, on the eighth day of July, 1837, their land was taken possession of by the emigrating Indians, amounting to nearly 5,000 in number, under the command of the officers of the United States, and thence continued, in possession thereof for the period of two months, or thereabout. And, while in possession of the lands of the petitioners, it appears that they used the wood and timber growing thereon for fuel, and for the construction of shelter, and committed upon said lands much wanton spoliation. It also appears that the season was very dry, and that numerous fires were kept in the Indian encampment night and day, doing much damage to the trees standing thereon, many of which were deemed highly valuable by the petitioners, for their peculiar and rare variety, and many for their fitness for timber.

The area occupied by the Indians included thirty acres, fronting upon the Gulf, and thence extending back different distances, to the extent of half a mile.

All the material facts set forth by the petitioners are proved by the statements of the officers in charge of the Indian emigration, and connected with the Indian department, and by the depositions of George W. Robinson and Julius C. Monet, Esqs., highly respectable citizens and residents of Hancock county, in the State of Mississippi, in which county the lands upon which the trespasses were committed are situated.

It is believed, therefore, by the committee, that the petitioners are entitled to damages, and it only remains for them to inquire as to their extent and amount.

The petitioners allege and prove that that portion of the land which was the seat of the trespasses complained of, lying upon or fronting the Gulf, was esteemed very valuable, on account of its being very desirable for summer residences, and peculiarly valuable for its location, and the beautiful and rare trees growing upon it, such as the live oak, magnolia, walnut, wild plum, wild peach, &c.

George W. Robinson states that the front acres would sell at from six hundred to one thousand dollars, and estimates the injury at \$300 per acre for the front acres, and running back five acres upon the average.

Julius C. Monet states "that the price for lots of one acre, fronting on the seashore, and extending back from five to six acres, would range from eight to twelve hundred dollars, according to their situation and beauty." And the petitioners estimate the damages they have suffered at \$500 per acre, for the thirty front acres, and \$2 for the remaining 2,000 acres, on which they allege the trespasses were committed, making in the whole \$19,000.

In fixing upon a rule by which the damages suffered by the petitioners are to be estimated, the committee cannot adopt, as a basis, the views entertained by the petitioners, in regard to the value of their land. The value which they place upon their land the committee cannot but regard as imaginary, and may or may not be realized, as accident or contingency might determine.

The committee believe the true and just rule to be, to allow the petitioners the value of all trees taken by the Indians for their necessary use, at their intrinsic value on the spot or place where they were taken; and they accordingly report a bill.