

7-14-1842

Report : Petition of T. Stone

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IN SENATE OF THE UNITED STATES.

JULY 14, 1842.

Ordered to be printed.

Mr. GRAHAM submitted the following

REPORT :

The Committee of Claims, to whom was referred the petition and proofs of Thomas J. Stone, praying indemnity for a horse and mule lost in the service of the United States, report :

That the petitioner was an ensign in Captain Silas Burdett's company, in General Coffee's brigade of mounted gunmen in 1814 and 1815.

Captain Burdett states that petitioner served in the capacity of ensign, as he himself alleges ; " that, at New Orleans, he lost a horse valued at \$75 ; he died in the service of the United States, and we were frequently scarce of forage, and at times under forced marches, and particularly just before we arrived at New Orleans, for about one hundred and thirty miles."

The petitioner, on affidavit, sets forth that, while detailed to wait on the sick at a place called " Brasheers," in the Choctaw nation, his " mule died from sickness and starvation ; the mule was worth \$100." Robert L. Cobbs, a surgeon at Brasheers, states that he remembers petitioner at that place, and saw a mule called his while sick, and understood that it died within a day or two. He believes the mule would have been worth \$100, if well and in good order.

The committee are of opinion that the Government, according to usage, is bound to indemnify for horses or mules dying of wounds received in the public service, or for want of sufficient forage furnished by the United States. But they do not perceive, admitting, as they do, all the petitioner's allegations, that either of his losses come within these rules. The death of neither animal is traced with certainty to the failure of the public officers to furnish sufficient forage. They, therefore, report the following resolution :

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

Thomas Allen, print.