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5-23-1838

Zachariah Philips.

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Recommended Citation

H.R. Rep. No. 1027, 25th Cong., 2nd Sess. (1838)

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were compared in freedlights agreement our United Neuros, he has on claim to remainder from the Carrymond to has been acaded in connecting

The computation of the polyton of the following resolution:

ZACHARIAH PHILIPS.

MAY 23, 1838.

Read, laid upon the table, and ordered to be printed.

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

REPORT:

The Committee of Claims, in obedience to a resolution adopted by the House of Representatives on the 3d day of January, 1838, have had under consideration the claim of Zachariah Philips for property destroyed by the Creek Indians in the years 1817 and 1818, and report:

That there is no petition filed setting out the circumstances under which the loss was sustained, whether in time of peace or during war; nor is there any evidence to supply that information. An account is filed as follows, viz:

"Losses sustained on Chattahoochie river, at or near Fort Gaines, in the latter part of the year 1817, and the beginning of the year 1818, by the Creek nation:

To fifty head of hogs, at \$12 per head - To thirty-three head of cattle, at \$12 50 per head					-	\$600	00
					-	412	50
To one hundred bushels of corn, at \$3 per bushel					-	300	00
To one bay horse		+		-	-	150	00
To one small black hor	rse	-		-		50	00
the first of the second pull of							
						\$1.512	50

The accuracy of the account is sustained by the affidavit of the petitioner; and the prices charged are proved to be reasonable by the affi-

davits of S. Renfrae and Henry Jordan.

But the committee cannot see on what ground the claim can be allowed. Its indefinite character would, of itself, justify its rejection. But if it were made more definite, and stated to have originated either in the depredations of the Indians in a time of peace, or in their hostilities in time of war, the committee would still feel impelled to reject it. If the loss of the petitioner was sustained in time of peace, he must comply with the provisions of the act of Congress regulating the intercourse of our citizens with the Indian tribes, before his loss can be guarantied by the Government. There is no evidence, or even allegation, that he did so. On the contrary, there is the strongest negative evidence that he did

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If his losses were sustained during war, and when the Creek Indians were engaged in hostilities against the United States, he has no claim to remuneration from the Government. It has been settled in numerous cases, that personal property destroyed by the enemy in time of war (not actually in the service of the United States) will, under no circumstances, be paid for by the Government.

The committee recommend the adoption of the following resolution:

ALAM 20, 1838.

Resolved. That the claim of the petitioner be rejected.

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Mr. Synary, from the Committee of Claims, negle the following

REPORT:

The Committee of Claims, in obodience to a resolution adopted by the Abuse of Representatives on the 3d day of January, 1839, here had under consideration the claim of Suchariah Philips for preperty destroyed by the Creek Indians in the years 1817 and 1818, and report i

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Alesses sustained on Chattalworkie river, at or near Fort Galnes, in the latter part of the year 1817, and the beganing of the year 1818, by

the Creek matron:

To only head of hows, at Stu per head

To infervilince head of cauls, at Str 40 per head

To one lamelred bushels of carn, at St per bushel

To one lamelred bushels of carn, at St per bushel

To one small black horse _ _ sa coo

The accuracy of the account is sustained by the anidavit of the pertherer; and the prices charged are proved to be remanable by the after davits of S. Renirae and Henry Jordan.

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