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Zachariah Philips.

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

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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	-	-	-	\$600 00
To thirty-three head of cattle, at \$12 50 per head	-	-	-	412 50
To one hundred bushels of corn, at \$3 per bushel	-	-	-	300 00
To one bay horse	-	-	-	150 00
To one small black horse	-	-	-	50 00
				<hr/>
				\$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 affidavits 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 guaranteed 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 not.

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 :
Resolved, That the claim of the petitioner be rejected.

MAY 24 1838

Mr. STUART, from the Committee of Claims, reads the following

REPORT:

The Committee of Claims, in obedience to a resolution adopted by the House of Representatives on the 15th day of January, 1838, have had under consideration the claim of Zachariah Phillips 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 Chattahoochee 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
- To one hundred bushels of corn, at \$2 per bushel
- To one bay horse
- To one small black horse

\$600 00
 412 50
 369 00
 180 00
 50 00

\$1541 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 affidavit of S. Bonine 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 shown to have originated either in the depredations of the Indians in a time of peace, or in their hostilities at some other time, the committee would still feel impelled to reject it. If, since the war, the petitioner was sustained in time of peace, he must comply with the provisions of the act of Congress regulating the payment of claims of our citizens with the Indian tribes, before his loss can be guaranteed 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 not.