

7-7-1846

Report : Mr. Pennybacker

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IN SENATE OF THE UNITED STATES.

JULY 7, 1846.

Submitted, and ordered to be printed.

Mr. PENNYBACKER made the following

REPORT :

[To accompany bill H. R. No. 165.]

The Committee of Claims, to whom was referred a bill from the House of Representatives, entitled "An act for the relief of Samuel D. Enochs," have had the same under consideration; and concurring with the report of the Committee of Claims of said house, made on the 10th of July, 1840, hereto annexed, recommend that the said bill do not pass.

JULY 10, 1840.

The Committee of Claims, to whom were referred the papers in support of the claim of Samuel D. Enochs, for compensation for a horse lost in the Black Hawk war, report :

It appears, from the evidence submitted, that the claimant was a private in Captain Gideon Simpson's company, under the command of Colonel John Thomas, in the war with the Sac and Fox Indians, in the year 1832; that on the night of the 24th of May, 1832, he was separated from his horse, by being put on guard duty on foot; that while on guard the horses generally became frightened, and his mare, valued at \$80, ran off, and has never since been heard of—is supposed to have been taken by the Indians.

It appears, from the testimony, that the petitioner was on guard at the same station where his horse was. The case does not, therefore, come within the provisions of the present laws of Congress. The horse was lost in consequence of being frightened in the night, or was perhaps stolen by the enemy; in either case, the loss must rest upon the owner. By the terms of his enlistment, he agreed to furnish his horse. This, of course, was at his risk, and not at the risk of the government. This case is not such a one as has been heretofore allowed, (see Rep. No. 921, 2d session 25th Congress.) The committee therefore recommend to the House, for adoption, the following resolution :

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