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Legal representatives of George Fisher, deceased

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Report No. 240.

[To accompany S. bill. No. 25.]

HOUSE OF REPRESENTATIVES.

LEGAL REPRESENTATIVES OF GEORGE FISHER, DECEASED.

FEBRUARY 29, 1848.

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

REPORT :

The Committee of Claims, to whom was referred Senate bill No. 25, for the relief of the legal representatives of George Fisher, deceased, report :

That the papers accompanying said bill have been examined by this committee. The facts being fairly stated in the report of the Committee of Claims, of the Senate, that report is adopted and made a part of this. The bill is reported back to the House with a recommendation that it do pass.

IN SENATE OF THE UNITED STATES.—January 11, 1848.

Mr. MASON made the following report:

It appears from the affidavits of sundry witnesses, that Colonel George Fisher, in the year 1812, opened a plantation on public lands in the Territory of Mississippi, which he held only by right of possession ; that he placed on it a number of slaves, with a large stock of cattle, hogs, &c., and planted large fields of corn and other grain ; that in the following year, whilst absent for the purpose of removing his family to said plantation, hostilities broke out amongst the neighboring Indians, who made incursions into the settlement, and drove off the overseer and people left by Colonel Fisher on his plantation, and committed the usual depredations of Indian war ;

that subsequently Colonel Fisher, by leave of the officer commanding the troops in that country, planted again a large field of corn on Alabama river with the aid of his negro force, near to and under the protection of the troops; and it appears, also, that Colonel Fisher had on his plantation, at the commencement of hostilities, a small store of groceries, &c., with some other merchandise.

It is stated in the affidavit, that the whole of the property of Fisher was destroyed pending these hostilities with the Indians, as well his crops stored or saved as those that were growing. The evidence is distinct enough to show the losses complained of, but, with a single exception, it furnishes no guide to distinguish between such as was destroyed by the Indians and such as was destroyed or used by the troops. The exception is, that a large field of corn growing on the Alabama river was destroyed by the horses of the troops, which were turned into the field by order of some of the officers.

Your committee, then, whilst there is satisfactory proof that your petitioner is entitled to relief, have no alternative but to adopt the recommendation of previous committees, that the claim be referred to an accounting officer, with instruction to audit and settle the account for losses sustained by act of the military, upon such proof as may be exhibited, and with due regard to principles of equity and justice; and they report the bill, with an amendment, accordingly.