

JOHN REILLY.

DECEMBER 28, 1836.

Read and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of John Reilly, report:*

That the petition is wholly unsupported by proof, except so far as the affidavit of a claimant may be considered to furnish proof.

The committee will not, however, put the petitioner to the trouble of collecting evidence in a case where, if all the allegations were proved, in their opinion, an allowance should not be made. If the House shall decide differently, the petitioner will have an opportunity to sustain his application by disinterested testimony.

As the committee decide against the claim as it is presented by the petition, they will not abridge the narration, but give the petitioner the benefit of his own statement. Admitting all the allegations to be truly and correctly stated, the question is presented: are the United States in duty bound to remunerate one of its citizens for a loss he has sustained, when he has voluntarily exposed his property to Indian depredations, by passing through their country?

Neither precedent, policy, nor morality, in the judgment of this committee, imposes any such obligation. If the Indian tribe was at peace with the United States, the petitioner must seek redress under the provisions of the act of March 30, 1802, generally called the intercourse act. The United States are under no obligation to pay for such losses, except by an agreement to that effect. If the Indian tribe was at war at the time, the petitioner should not, voluntarily, have gone into the Indian country. No Government becomes the insurers of the property of its citizens in time of war, when the property is not within its use or control.

The case is one of great hardship, and the condition of the passengers, and their sufferings, excited universal sympathy throughout the United States at the time; but the Government of the United States was not formed to mitigate such sufferings by its treasures. If protection had been asked, it would have been given, as far as a citizen had a right to ask it, and his Government was bound to bestow it. Such protection was not asked, and, in the opinion of this committee, whatever loss the petitioner suffered must be borne by him.

The following resolution is offered:

*Resolved*, That the petitioner is not entitled to relief.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

The petition of John Reilly, of the city of Augusta, county of Richmond, and State of Georgia,

HUMBLY SHOWETH

Unto the honorable the Senate and House of Representatives : That your petitioner, while a passenger, with others, in one of the stages conveying the United States mail from Montgomery, in the State of Alabama, to Columbus, in the State of Georgia, on the 16th day of May last, when within about twenty-one miles of Columbus, he and the other passengers were fired upon by the Indians in passing through the Creek nation ; and that, finally, they were all compelled to abandon the stage, and flee for their lives, on the stage horses, which they cut from the stage ; and that, after suffering great privation, and bodily injury and hardships, your petitioner, with four others, arrived in Columbus, after being out in the swamps and cane-brakes during two days and nights without food. Your petitioner also respectfully showeth, that at the time of abandoning the stage, he had to leave his travelling trunk, which contained five hundred dollars in cash, and wearing apparel and other articles to the value of two hundred and sixty-four dollars and fifty cents ; making his total loss the sum of seven hundred and sixty-four dollars and fifty cents, as will appear by the schedule hereunto annexed, which your petitioner prays to refer to, and it to be considered as a part of his petition. Your petitioner respectfully states, that the cash and other articles named in the schedule were the produce of the honest and hard earnings of your petitioner, during the last winter, in the city of Mobile, to which place he had resorted for the purpose of making a support for a large family, consisting of a wife and four children, entirely dependant on his individual exertions for a support ; and to accomplish which desirable object, he had undergone the privation of being absent from his family for near seven months. And your petitioner would respectfully represent the disagreeableness of his situation, after so long an absence from his family, to have his whole means of subsisting them taken from him, and that, too, on the very eve of his return. Therefore, in consideration of the premises, and the situation of your petitioner and family, he most humbly prays your honorable body to pay to him the amount of his said loss by the Indians, which he has a firm reliance that Congress will do, inasmuch as, otherwise, your petitioner is remediless.

And as in duty bound, your petitioner will ever pray, &c.

JOHN REILLY.

JUNE 15, 1836.