

TURNER CHAMBLIN.

JULY 10, 1840.

Read, and laid upon the table.

Mr. GIDDINGS, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to whom were referred the papers in support of the claim of Turner Chamblin, for compensation for a horse, saddle, bridle, saddlebags, and blanket, lost in the service of the United States, report :

It appears from the depositions of Robert H. McLaurine and Captain Thomas M. Jones, of the Tennessee volunteers, that the claimant was a private in said Jones's company; that, while in the service of the United States, in the late Florida campaign at Fort Drane, in October, 1836, the petitioner exchanged his horse (then affected with the distemper) for a mule, the property of the United States, (and rode by Robert H. McLaurine, also a volunteer in said company, but who, at the time, was sick and unable to do duty,) for the purpose of joining the army then at Withlacoochie; that, on the recovery of said McLaurine, with whom the temporary exchange was made, he was ordered to join the army, but was prevented by the commanding officers at Fort Drane from taking the claimant's horse from the fort until the mule should be returned; that the mule was given up to said McLaurine on his joining the army, and was afterward, as alleged, surrendered by him to the United States; that the claimant's horse recovered from the distemper, and has since been seen in the service of the United States as public property. It is stated that the horse was valued at Fayetteville, Tennessee, by the officers of the company, after being mustered into service, at \$140; his saddle at \$35; his bridle at \$5; and his saddlebags and blanket at \$18. That, being thus deprived of his horse, he was compelled to abandon his equipments, which were also lost; and that he has never received any compensation for said property, nor has any person for him; and therefore claims indemnity for his loss.

The loss was doubtless a misfortune to the petitioner, but is not attended with those circumstances that bring it within any rule adopted by Congress in granting relief. The risk of the horse rested with petitioner, and the loss was his, and not that of the Government. The evidence is not sufficient to show that the horse was appropriated to the use of Government, or that the mule was returned. (See Rep. No. 921, 2d sess. 25th Congress.) The committee, therefore, recommend to the House, for adoption, the following resolution:

Resolved, That the claimant is not entitled to relief.