

## IN SENATE OF THE UNITED STATES,

FEBRUARY 12, 1822.

The Committee of Finance, to whom was referred the petition of Edmund Kinsey and William Smiley, sureties of Henry Phillips, late a paymaster in the army of the United States,

## REPORT:

That the petitioners state that they were sureties of said Phillips on a bond in the penal sum of \$7000, and another in the penal sum of \$10,000, conditioned for the performance of his duty, the first as paymaster of the 6th United States regiment, and the last as paymaster for the districts of Pennsylvania and New Jersey. That Phillips, by his will, made the petitioners his executors, and, on the 22d of March, 1815, died insolvent. That the United States obtained judgment against these petitioners on the bonds to the amount of \$15,601 82. That the petitioners, unable to pay their debts, have since assigned their property for the benefit of their creditors, and that they have been discharged under the insolvent laws of Pennsylvania; and that, from circumstances which they particularise, they shall never be able to pay this debt to the United States. It appears, from certain certificates and declarations, that the condition of the petitioners is substantially as stated.

But, your committee are nevertheless of the opinion, that, to grant the prayer of the petitioners, would be impolitic and dangerous, and is unnecessary. The petitioners have never been committed to prison, and, should this be the case, the President has power to discharge them. To relieve sureties, further than this, would eventually make suretyship a matter of form, and subject the United States to great loss and embarrassment; they therefore recommend the following resolution:

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

