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N. G. Evans.

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H.R. Rep. No. 245, 33d Cong., 1st Sess. (1854)

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N. G. EVANS.

JUNE 30, 1854.—Laid on the table, and ordered to be printed.

Mr. FAULKNER, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of N. G. Evans, a lieutenant in the 2d dragoons United States army, have, according to order, had the same under consideration, and submit the following report:

The facts established in the case are these:

That about the 25th of September, 1850, Lieutenant Evans, being on his return from New Mexico to Fort Leavenworth, received an order to repair to Santa Fé, New Mexico, which order he immediately obeyed, without proceeding to the fort for his clothing, equipage, and other property, which he had left there; that on the 30th of September, 1850, four boxes and one chest, marked for Lieutenant Evans, Santa Fé, were receipted for by Brown, Russell & Co., contractors for transporting government stores from Fort Leavenworth to Santa Fé—(a copy of the receipt is herewith annexed as part of this report, marked A;) that on or about the 25th of November following, the train in which were being transported the four boxes and one chest belonging to Lieutenant Evans was overtaken by a snow-storm, during which a large number of cattle used as oxen in said train were lost, so that it could not proceed for the want of teams; that while it remained waiting for the wagon-master, who had gone to bring other teams, the Indians set fire to the prairie, which communicated to the said train, which was almost entirely destroyed—the said boxes and chest being consumed, notwithstanding every effort was made by those in charge to protect the same and extinguish the fire.

Lieutenant Evans estimates his loss by this casualty at \$800; of this, however, there is no evidence, positive or conjectural, beyond his statement of the value of the goods lost.

Lieutenant Evans further states that his property was forwarded by the government officers without any consultation with or order from him. Upon this point there is no evidence.

The committee cannot perceive upon what principle it is asked that the government should be held responsible for the loss incurred by Lieutenant Evans from the casualty above described. If upon the doctrines which apply to common carriers, and there be any responsibility in this case for the loss incurred, that responsibility is clearly upon Brown, Russell & Co. If the loss occurred from the act of hos-

tile Indians at war with the United States, upon which the evidence is not clear, then there is no responsibility either upon the common carriers or the government.

The committee are of the opinion that the petition be rejected for the present, with leave to renew the same at a future time upon any additional evidence being adduced to strengthen the claim of the petitioner.

A.

Received, Fort Leavenworth, Missouri, September 30, 1850, of Brevet Major E. A. Ogden, assistant quartermaster United States army, in good order and condition, the following military stores, which we agree to deliver with all practicable despatch, in like good order and condition, unto the assistant quartermaster United States army at Santa Fé, the freight thereon being payable by the assistant quartermaster at Fort Leavenworth, at the rate of 14½ cents per pound, as per contract; the receipt and weight being endorsed hereon by the assistant quartermaster at Santa Fé.

Train No. 4—29 wagons.

<i>'Marks.</i>	<i>Packages.</i>	<i>Lbs. weight.</i>
U. S. A. C. S., Santa	939 sacks of flour.....	93,900
Fé, New Mexico.	466 bales bacon sides.....	47,169
Company K. 1st dra-	43 boxes clothing equipage.....	8,627
goons, Santa Fé.	5 tierces clothing equipage.....	916
	8 chests clothing equipage.....	561
	1 trunk clothing equipage.....	65
Lieut. N. G. Evans, 2d	4 boxes.....	588
dragoons, Santa Fé,	1 chest.....	153
New Mexico.		<u>151,979</u>

(Triplicates signed.)

BROWN, RUSSELL & CO.

A true copy :

E. A. OGDEN,

Asst. Quartermaster U. S. Army.