

5-8-1860

Report : Memorial of C. Emory

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S. Rep. No. 216, 36th Cong. 1st Sess. (1860)

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IN THE SENATE OF THE UNITED STATES.

MAY 8, 1860.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany bill S. 432.]

The Committee on Claims; to whom was referred the memorial and papers in the case of C. S. Emory, surviving administrator of Calvin Read, of Florida, have considered the same, and report as follows:

That it appears from the evidence in the case, and is clearly established, that in the early part of the year 1836, during the war with the Seminole Indians, the government troops being at Mandarin, in said State of Florida, a fort was erected for the use of the government; and that for the erection of the same, a considerable number of pine trees were purchased from Read by Robert Bigelow, then acting as United States quartermaster, at the stipulated price of fifty cents per tree; that, in pursuance of said contract, Read delivered 1,432 trees, amounting to the sum of seven hundred and sixteen dollars. The quartermaster, however, did not give Mr. Read a certificate for the trees so delivered until the following May, and probably after he went out of office. The certificate thus given was approved and signed by the colonel commanding, John Warren, and your committee have no doubt of the truth of the facts stated in it.

The account thus certified was presented to the quartermaster general's department, in 1838, for settlement, and was rejected, because it did not appear that Read was the owner of the land from which the trees were taken. Your committee have looked into this question of ownership, and are completely satisfied that Read was the owner of the land in question. Certified extracts from the records of the county court of Duval county, Florida, together with information obtained from the General Land Office, leave no doubt upon this point. It was again objected, on the part of the accounting officers of the Treasury, that the certificate of Bigelow and Warren was given and dated after the former went out of office, and therefore could not be received as evidence. To obviate this objection, another affidavit of Bigelow was

procured in 1845, fully explaining the circumstances, and swearing that the trees were purchased by him for the United States, and delivered by Read in January and February, 1836, and whilst he was acting as quartermaster, although the certificate was not signed until the following May, for the probable reason that it was not sooner presented to him. This testimony, in the opinion of the committee, establishes the claim of the petitioner, which they think ought long since to have been paid.

It appears from the papers in the case that Chandler S. Emory is the sole surviving administrator of said Calvin Read, who is dead, and the committee report a bill in his behalf for the said sum of \$716, with interest from the 1st of January, 1846.

REPORT

[The following text is extremely faint and largely illegible due to fading and bleed-through from the reverse side of the page. It appears to be the main body of the report.]