

5-28-1884

Report : Claim of G. Brott

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IN THE SENATE OF THE UNITED STATES.

MAY 28, 1884.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2005.]

The Committee on Claims, to whom was referred the bill (S. 2005) to authorize the Court of Claims to investigate the claim of George F. Brott for logs used in the construction of Fort Abercrombie, Dakota, and to give judgment for the same, have considered the same, and respectfully report:

We do not think we ought to authorize the Court of Claims to render judgment against the United States for a claim more than twenty years old, and for that purpose to remove the bar of the statute of limitations without very strong reasons.

The bill is accompanied by two petitions, in which the claimant alleges that he was the proprietor of 250,000 feet of timber at Breckenridge, in the State of Minnesota, which was taken by the United States and used in the rebuilding and repair of Fort Abercrombie, in Dakota, in the years 1863, 1864, and 1865. He says he left said State for the city of New Orleans in July, 1862, and remained absent fifteen years; that he understood that the place, after he left it, was burned by the Sioux Indians, and supposed that his timber was destroyed in that way; that in the year 1880 he was informed, for the first time, that his logs had been taken and used by the United States. He then applied to the Quartermaster-General's Department for compensation, but was told that his claim was barred by the act of March 3, 1879.

The petitioner's statement of his ignorance of the true circumstances of the case rests wholly on his own affidavit. Even in that he fails to allege any facts which indicate diligence on his part either in the care of his property before it was taken, or in making due inquiry after the destruction of the place. We think it would be most unsafe to act upon *ex parte* testimony, or to authorize the removal of the bar imposed by the statute after so many years had elapsed.

We recommend that the bill be indefinitely postponed.